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Cabinet Council Minutes
1847-1848

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Cabinet Council

1847-8

Cabinet Council at 10 A. M. 7th April
at Mr. Record's Chambers.

Present – Mr. Record
" Richards
" Judd
" Wyllie

Mr. Record on the King's letter to him and audit of Accounts.

Mr. Record after making some preliminary remarks read the King's reply of 13th March to him, referring to a gratuity graciously granted by the King, the measure of which he could not judge of, without the audit of all the Ministerial acct.s as required by law.

at 153

Mr. Record handed in his account already audited and settled.

He then read his reply to the King of the 29th March, entering into details respecting his money matters, and another letter to His Majesty of the 29th March, without these details.

After some discussion the following Resolution was proposed, and passed, subject to the Amendment offered by Mr. Judd.

Mr. Wyllie's view that previous notice should have been given

Mr. Wyllie said he did not object to the motion of Mr. Record, under the King's letter, but he thought in all such cases of important special motions as a general rule, previous notice should

be given, that all parties might come prepared. If he had received that notice, he would have submitted his own a/c along with Mr. Ricord's.

Resolution of the Council

Resolved that after the example of Mr. Ricord, all the Ministers present their accounts from the end of February 1844, and that the Book-keeper of the Treasury Books, be requested to prepare, as soon as possible, the account of each Minister, & present it to him, and that each submit his account to Audit, by the other Ministers, in the same manner as Mr. Ricord has done.

Mr Judd proposes that the Resolution be postponed till after the 21st inst

Mr. Judd proposed that the execution of this Resolution be deferred till after the Book-keeper has done with the accounts necessary for his Report on the 21st instant.

This amendment of Mr. Judd was consented to by Mr. Ricord and all the others.

Mr. Ricord & the Arbitrators.

Mr. Ricord then read the Arbitrators letter to him of the 6th, in regard to the pending question with Ladd & Co., and his reply to them of the same date.

Mr Judd's final report, on his re-instatement from Mr Jan Eyck

Mr. Judd gave a finial account of his conference with Mr. Jan Eyck.

Afterwards it was moved that

Mr. Wyllie submit his plan of an engagement to relieve the Government from responsibility.

Mr. Wyllie read and explained the following proposals - viz -

Mr. Wyllie's Private Proposals to the Hawaiian Government.

Mr Wyllies Proposal.

At the Cabinet Council of the 11th & 12th of November 1846, without denying his belief that all the claims of Messrs Ladd & Co against the Government were unjust, out of respect to Mr. Du Toit and Mr. Williams, Mr. Wyllie strongly urged the expediency of acceding to the proposals of Mr. Williams, in the manner & to the extent therein stated, according to Mr. Ricord's understanding thereof:-

To meet grave and weighty objections to Mr. Ladd, Mr. Wyllie then stated to the Cabinet that he felt so convinced that the Government, under their understanding of Mr. Williams' proposals, could work themselves out of all loss thereby, that if the Government after some experience of the working of the estate &c, should find it too onerous for them to conduct, he would himself engage to relieve the Government from all labour and responsibility, by placing himself in their room.

Had that arrangement been

effected, the Government would have held all the properties that were contemplated to be conveyed to them, in fee simple for ever.

On the 10th of February last, Mr. Wyllie received letters from his family in Scotland, and Bankers in London, showing that his landed and funded property have suffered much by his absence, and that it is likely to suffer more and more every year, during that absence. Mr. Wyllie by no means wishes the Cabinet to infer from this, that any considerations of private interest whatever would induce him to throw up the appointments which he has the honor to hold under the King, until he could do so without any inconvenience to His Majesty's Government. Mr. Wyllie has given this pledge to Mr. Judd, and Mr Wyllie considers his promises as engagements not to be violated. But Mr. Wyllie mentions these private matters, in order to show that it is not desirable for him to contract engagements in this Kingdom, the fulfilment of which might render it impossible for him to leave, when the safety of his own interests aforesaid might absolutely require it, and when the King might be willing to permit his

departure.

Nevertheless so great is Mr. Wyllie's desire of bringing the controversy with Messrs Ladd & Co to an amicable close, for the reasons before stated, that if Mr. Wyllie's private undertaking with the Government can induce the Government to undertake the arrangement suggested by Mr. Williams, & recommended by Mr. Simcock, as explained by Mr. Record to Mr. Williams, in his note of the 19th of November last, Mr. Wyllie will not shrink from that undertaking with the Government, provided the Govern= =ment will undertake to place Mr Wyllie, his heirs and assigns, in the enjoyment of all the rights, privileges, facilities, and advantages which the Government would themselves enjoy under the arrangement proposed.

But Mr. Wyllie's under= =standing is that provision is to be made by Bonds, redeemable at the End of ten years, with four per cent interest, for 60 per cent on the whole just claims on Messrs Ladd & Co, calculating Principal and Interest exactly on each claim separately, up to the 19th Nov. 1846, when Mr. Record with the

Authority of the Cabinet wrote to Mr. Williams - that each of those claims is to be sworn to by the Creditor, or his Attorney, and Messrs Ladd & Co, before the U. S. Commissioner, & certified by him to correspond with the Books of Messrs Ladd & Co as examined by himself - that those Books are to be preserved in the Office of the United States Commissioner or Consulate, for reference to them by Mr. Wyllie and the other parties when such is requested - that recourse is to be allowed, under the law, against all frauds that may attempted, that the indebtedness to be assumed is under no circumstances to exceed one hundred and seventy thousand dollars ($170.000.) and that the interest of 4 per Cent on each Bond is to be paid annually at the Hawaiian Treasury, to the holder of the Bond, on its presentation at said office, at least fourteen days before the day when the interest becomes payable.

Mr Wyllie's understanding further is that the Bonds to be issued shall not be dated, till the full and secure delivery of all the properties, &, specified by Mr. Rivord, is effected by the

Creditors, and that each Creditor receiving his Bond shall simultaneously engage to hold the Government harmless, under the penalty of forfeiture of said Bond, against any claim on behalf of Messrs. Ladd & Co, or growing out of any of their transactions, that may be prefered to any of the properties so delivered over.

Mr. Wyllie further understands that all expenses of Stamps, Deeds, and other charges whatsoever connected with the survey and delivery of the properties and the issue of the Bonds, are to be deducted from the claims of the Creditors, previous to the issue of said Bonds, and that Tally Books are to be kept with secret marks and countermarks, in the Government safe, for a comparison of each bond when presented for payment of interest or final redemption, so as to guard against an issue of Spurious Bonds.

Mr. Wyllie's alternative Engagement.

On the principles recommended by him to the Government in May 1870,

Mr. Wyllie will engage with the Government to assume the whole indebtedness of Messrs. Ladd & Co, as it then stood, but to be ascertained exactly in the manner provided for above in Bonds for the amount redeemable in ten years from the date of their issue, but without interest, provided the Government make over to Mr Wyllie, his heirs and assigns, all the rights, privileges, facilities and advantages, specified in Mr. Ladd's memorandum to Mr. Judge &c., liberally construed.

In either case Mr Wyllie would insist to be put in possession by Messrs. Ladd & Co, of all their Books and papers of every kind, relating to the management of their properties on Kauai and elsewhere, so as that Mr. Wyllie might have the advantage of their experience in forming his own plans

(signed) R. C. Wyllie.

Foreign Office,
7 April,
1847.

In submitting this proposal to the Cabinet, on the 7th April, Mr. Wyllie said that in consideration of what he had heard of the state of the Koloa Plantation, he should under the first alternative require that no interest should be allowed for one whole year after the date of the Bonds.

Mr Ricord strongly recommends an equitable arrangement

Mr Ricord, at great length, and with many reasonings in favor of the Creditors, urged the expediency of allowing them still the benefit of Mr. Williams' project, as explained by himself on the 19th of November, either through the sole undertaking of the Government, or through Mr. Wyllie's proposal, just read.

Mr Richards moves the following

After some discussion Mr. Richards moved the following Resolution which was adopted.

"Having heard the proposition of Mr. Wyllie;

Resolutions in regard to Mr Wyllie's proposals

Resolved, that it is neither dignified nor proper for the Government to take bonds of an individual Minister to indemnify itself for any losses which may be sustained by carrying out plans honestly recommended by him to

be undertaken by the Government.

Mr. Record's letter to the Mediator.

Mr. Record then read a communication which he had prepared to pass to the Consul of France, as Mediator containing certain proposals to be offered to the Creditors, repeating the same arguments and adding others in support of three proposals.

The Cabinet object to the letter

A long discussion took place upon the dangers of making any proposals whatever, till the suit of Ladd & Co was withdrawn, ending in a general conviction, that from the character of Ladd & Co, & their recent proceedings, they would be sure to turn against the Govt. the very proposals that might be made for the benefit of their Creditors.

Mr Wyllie drafts one then & 3 Resolutions

Mr Wyllie then drafted three resolutions which he submitted, and the draft of a letter for the Mediator, which were also discussed, at great length, and the Cabinet at 2 P.M. adjourned till 3 P.M.

Adjourned meeting at 3 P.M.

The Cabinet sat for two hours, without being able to come to any definitive

resolution in regard to the course that it would be safe and honorable for the Government to pursue.

The Cabinet again adjourned till 11 A. M. tomorrow.

Adjourned meeting 8th April at ½ past 11 A. M.

Present Mr Ricord
" Judd
" Richards
" Wyllie

Mr. Wyllie read the minutes of yesterday.

Mr. Ricord then submitted a note which he had obtained from Mr. Paty, which he begged to read.

Mr Ricord submits Mr. Paty's note of 7 April

Mr. Paty's note was read. It was as follows:

Honolulu, April 7th 1847.

My dear Sir,

In compliance with your request that I would state in writing my views and opinion regarding the proposed arrangement between the Hawaiian Government and the Creditors of Judd & Co I will

briefly say that it is my candid belief that the Government may safely, and without the fear of making any material sacrifice, offer to assume and pay the whole debts of the said Ladd & Co. say at the rate of 60 ℔ on the dollar, payable in 10 years with interest at the rate of five or even six per cent per annum, upon the condition that all properties, claims, &c. of said Ladd & Co shall be resigned into the hands of the Government.

Yours truly
(signed) Wm Raty.

To John Ricord Esquire.

Mr Raty's opinion favourably received, subject to the withdrawal of Ladd & Co's suit

Mr Raty's opinions were received with respect, but still the difficulty occurred of the suit and conduct of Ladd & Co as a complete obstacle to all the beneficent intentions of the Government for the relief of their Creditors.

Mr Ricord still recommending the proposals that he had prepared

to submit, admitted that Ladd & Co were the stumbling block in the way of his proposals.

Mr. Wyllies offer not well received by the Judges.

Relief by bonds, notwithstanding Mr. Paty's opinion & Mr. Wyllie's offer, was not well received by Mr. Judd, & all concurred in believing that it would be much more for the advantage of the country, that the Creditors should get possession of the properties as they best could, and receive every possible encouragement to carry on the Koloa Estate as a Concern of their own.

Mr. Wyllies 3 Resolutions drafted on the 7th, unanimously by Council

The resolutions drafted by Mr. Wyllie yesterday were again called for, read & amended several times & finally unanimously passed.

Resolved that in the opinion of the Cabinet after considering what Mr. Ricord has laid before them, it is neither consistent with the Honor or dignity of the Government, or the Resolutions by the King in Council, to make any proposals to the creditors of Messrs Ladd & Co, until the existing suit brought by Ladd & Co be abandoned.

Resolved that if the creditors wish the proposals of their Committee of 15th March last to be considered by

the Government, it is for them to take their own way to obtain the withdrawal of that suit.

Resolved that the Attorney General be authorized so to make known to the Consul of France as Mediator, and also to the Arbitrators, with an intimation that unless the suit be withdrawn, they are invited to proceed with the Arbitrations.

Mr. Hyslop's draft to the Mediator approved

The draft of a letter to the Mediator was also finally approved of.

Mr. Hyslop's statement respecting the S. I. news to Mr. Abell.

Mr. Wyllie with reference to a charge in the St. Island News No. 31. against his veracity, read his letters No. 13 of 11th May to Mr. Abell, requesting him to forward an open letter of the same date to the Secretary of State at Washington, complaining that Mr. Brown and Mr. Abell had been guilty of misde-meanor in Court, in the case of Brimmade versus Davies - extracts from his letter No. 36 of 23rd May 1846 to H. B. M's Consul General, in regard to the fine imposed upon Mr. R. C. Janion - and stated that Judge Andrews had addressed a note to him, on the 6th inst.,

explaining that Mr Jamison had been fined, but that the Judge, owing to Mr. Jamison's being out of town for some days, had forgotten to enforce the fine.

Mr Wyllie asks the opinion of the Cabinet respecting publishing the documents we have submitted

Mr. Wyllie wished to know if it would be well to publish these documents. The Cabinet inclined to think that the character of the Editors of the News was too low to justify any notice of them, unless where they asserted falsehoods in regard to Foreign Governments, and the King's safety in his relations with those Governments. The Cabinet adjourned without any final resolution upon this point.

Cabinet Council at Mr. Records' Chambers.
11 A. M. 12th April.

Present — Mr. Record
" Judd
" Wyllie

The engagements of Messrs. Ladd & Co. and of their creditors of 3rd Feb'y. 1847.

Mr. Record read Mr. Dudoit's letter of the 10th inst.

French Consulate.

Honolulu,
April 10th 1847.

My dear Sir,

In accordance with the communication which you made me yesterday, predicated upon the advice given you by your colleagues, in Cabinet Council that no arrangement ought to be entered into with Ladd & Co's Creditors, until Ladd & Co had withdrawn their claims under the compact 13th July 1847, and had made over what property they might have to their creditors.

I have the honor to enclose you copy of certain Document in my possession which will convince you that such an agreement already exists between Ladd & Co and their

Creditors who are now fairly let in by Ladd & Co to take advantage of the 3rd resolution passed by His Majesty's Privy Council on the 18th of January last.

I beg therefore that you will not hesitate to consider the project of their Committee submitted to you on the 13th Ultimo.

The Committee consider that by thus letting in the Creditors to negotiate for themselves Messrs Ladd & Co have virtually withdrawn from the Arbitration, to make room for the Creditors to benefit themselves if possible.

I remain, My dear Sir,

Yours very truly

(signed) - L. Andrit

L. Ricord Esquire

&c. &c. &c Attorney General.

Mr Ricord submits the letter of 9th April from J. F. B. Marshall, Wm Patty & D. Wood

"We read also the letter of the Committee of Creditors, (M. L. F. B. Marshall, R. D. Wood, and William Paty) dated 9th April.

Honolulu, April 9th 1849.

Sir,

We beg to hand you enclosed a certified copy of a document dated

the 3rd. of February, & signed by Messrs. Ladd & Co., by which they engage to assign all their right, title and interest in and to all their property of every description to their Creditors, whenever those creditors shall have made an arrangement with the King and Government, of the Sandwich Islands satisfactory to themselves in relation to the disposition of those properties. You will also find annexed a paper signed by the principal creditors of Ladd & Co by which we are appointed a committee to negotiate with the King and Government for the arrangement alluded to.

We shall be most happy whenever authorized so to do by the Creditors to accept any proposals, or accede to any arrangements in their behalf, in view of the above mentioned documents

Respectfully,
Your obed.t Serv.ts
signed C. F. R. Marshall.
R. W. Wood.
Com.rs Paty.

Jules Dudoit Esquire,
Consul of France,
&c. &c. &c.

We read also the engagement of Messrs. Ladd & Co of 3rd February, with an engagement on the part of their creditors of the same date, certified by Mr. Marshall, the Consul of Peru.

Honolulu, Sandwich Islands
3rd February 1847.

Mr Record submits Ladd & Co's engagement of 3d February, to assign to their Creditors all their property claims & demands

The undersigned, members of the Firm of Ladd & Co, propose whenever their Creditors shall have made an arrangement with the King and Government of the Sandwich Islands, satisfactory to themselves, as hereinafter mentioned, to assign & set over to their Creditors, all their right title and interest in and to all and every the personal property and real estate, leases of real estate and contracts for the same now or heretofore held & enjoyed by them in their copartnership relations, on the Sandwich Islands, and all claims and demands they have or may have upon the King & Government of the Sandwich Islands for indemnity to them.

(signed) P. A. Brinsmade.
William Ladd.
Wm Hooper.

In furtherance and in consideration of which, the undersigned Creditors of said Ladd & Co consent and agree to the appointment of and hereby do appoint Messrs D.B. Marshall, R.W. Wood, and William Paty, a Committee on their part & behalf to negotiate with the King & Government of the Sandwich Islands, for the settlement of all matters of ~~difficulty~~ difference with the said Ladd & Co, and for such grants and privileges, and for such final arrangements as will secure to us the use and enjoyment of the properties and privileges heretofore possessed and enjoyed by said Ladd & Co, and such extension of such properties and privileges as will enable us to realize in the speediest and most certain manner the full amount of our respective debts due from said Ladd & Co.

Committee ~~of~~ ~~Joint~~ D.B. Marshall, R.W. Wood & Wm Paty, on behalf of the Creditors appointed

And we further agree when such Committee shall make their final report, of their negotiations with said King & Government, to us, calling publicly a general meeting of said Ladd & Co's Creditors for that purpose, if such report shall be acceptable to, and be adopted by the majority in amount of the Creditors of said Ladd & Co, that we

will discharge said firm of Ladd & Co from all their pecuniary obligations and indebtedness to each of us respectively, and to allow them such further consideration as may be agreed to by a majority in interest of their creditors, upon receiving from said Ladd & Co such assignment as they on the other side propose to themselves to make.

Stephen Reynolds
Raby & Co
C Brewer & Co for themselves & others
S. N. Castle & } agents of the
Edwin O. Hall } S. Island Mission
S. N. Castle for himself
I C. Proctor
R. Tinker &
Wm C. A. Dill
John S. Emerson
C. H. Boardman
Jones & Makee
Steph.n & Williams
James I. Jarves for Gov.t & Press
Henry Zupplein

Mess.rs Castle & Hall subscribe this instrument upon the express condition or reserve that they will not be bound by any action of the majority of the creditors to any measures which shall involve an expenditure of funds for themselves or those they represent

I, the undersigned having carefully compared the above documents & signatures, with the original, of which it purports to be a copy, do hereby certify it to be a faithful and true copy.

In testimonium veritatis.
Jas F. B. Marshall
Consul

Consulate of Peru
April 9th 1847
(L.S.)

Mr. Reed stated that Mr Wood had concurred by a separate note which he had not by him, but engaged to produce.

Honolulu March 5th 1849.

Gentlemen,

I beg leave to propose herewith a plan of an arrangement for your consideration, for the settlement of the affairs of Messrs Ladd & Co. If in your opinion, it can be made acceptable to the Hawaiian Government I have no doubt it can be made so to Messrs Ladd & Co's Creditors; and shall be disposed to interest myself with you in endeavouring to effect a settlement upon the conditions, therein proposed.

Very respectfully,
Your obed't Serv't,
(signed) R. W. Wood

Messrs Wm Paty and
J. F. B. Marshall

Mr. Wyllie read the Minutes of the Cabinet Councils of the 17th & 18th.

ult^o, with the two Resolutions passed on that day.

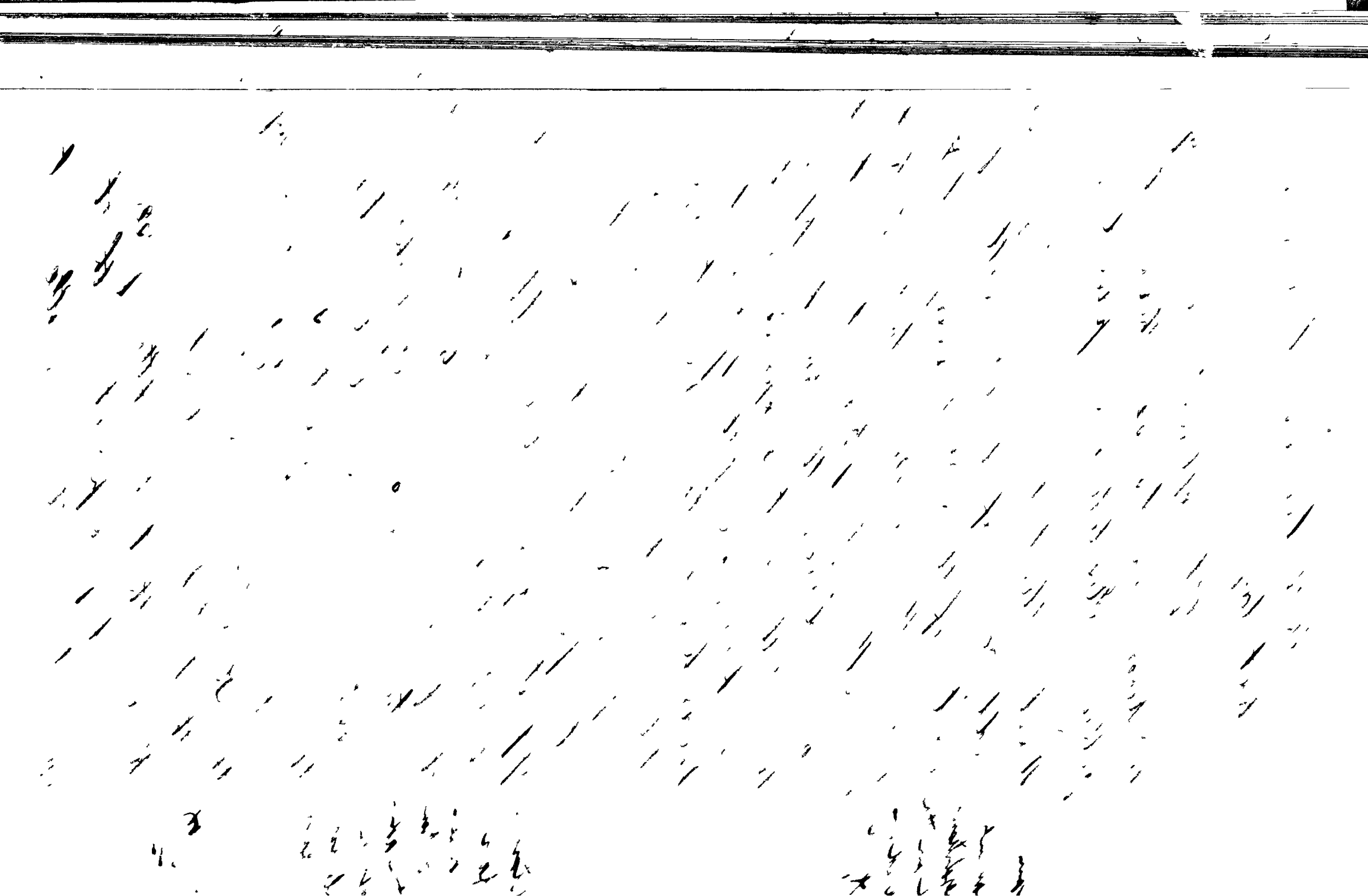
After explanation rendered by Mr. Ricord, and discussion thereon, the following Resolutions were passed:

Resolutions with drawing the 3 Resolutions passed on the 7 & passed on the 8 inst

Resolved that the Engagements of Messrs Ladd & Co, and of the Committee of Creditors of the 3rd February last, & of the letters of Mr. Dudoit, & of that Committee of the 9th and 10th instant, now laid before the Cabinet, appearing to meet the objections expressed in the Cabinet Council of the 17th and 18th March, the three Resolutions passed at the Cabinet Council of the 7th & 8th inst. are premature, and not to be acted upon until after a fair opportunity has been afforded to the Creditors of Messrs Ladd & Co, under the aforesaid engagements and letters, to mature measures to fully discharge Messrs Ladd & Co from all liabilities to them, and secure for themselves (the Creditors) all the benefits intended by the Resolutions of the King in Council of the 18th January last.

The Creditors to have a fair chance of discovering & to realise the advantages of the Resolutions of the 18 Jany.

Resolved that the Attorney General immediately cooperate with the Mediator and the Committee acting



in the name of the Creditors, with a view to take the sense of the Creditors, at a general meeting upon the best measures to be adopted for their benefit, and to overcome all difficulties in the arrangement of the details that may arise.

Mr Record then read certain suggestions framed on the proposals he had prepared and submitted before on the 17th March, which it was agreed he should use with the Creditors in such a manner as to obtain the adoption thereof, or such other overtures from them as may be fair and consistent with the Resolutions of the P. Council, of the 18th January.

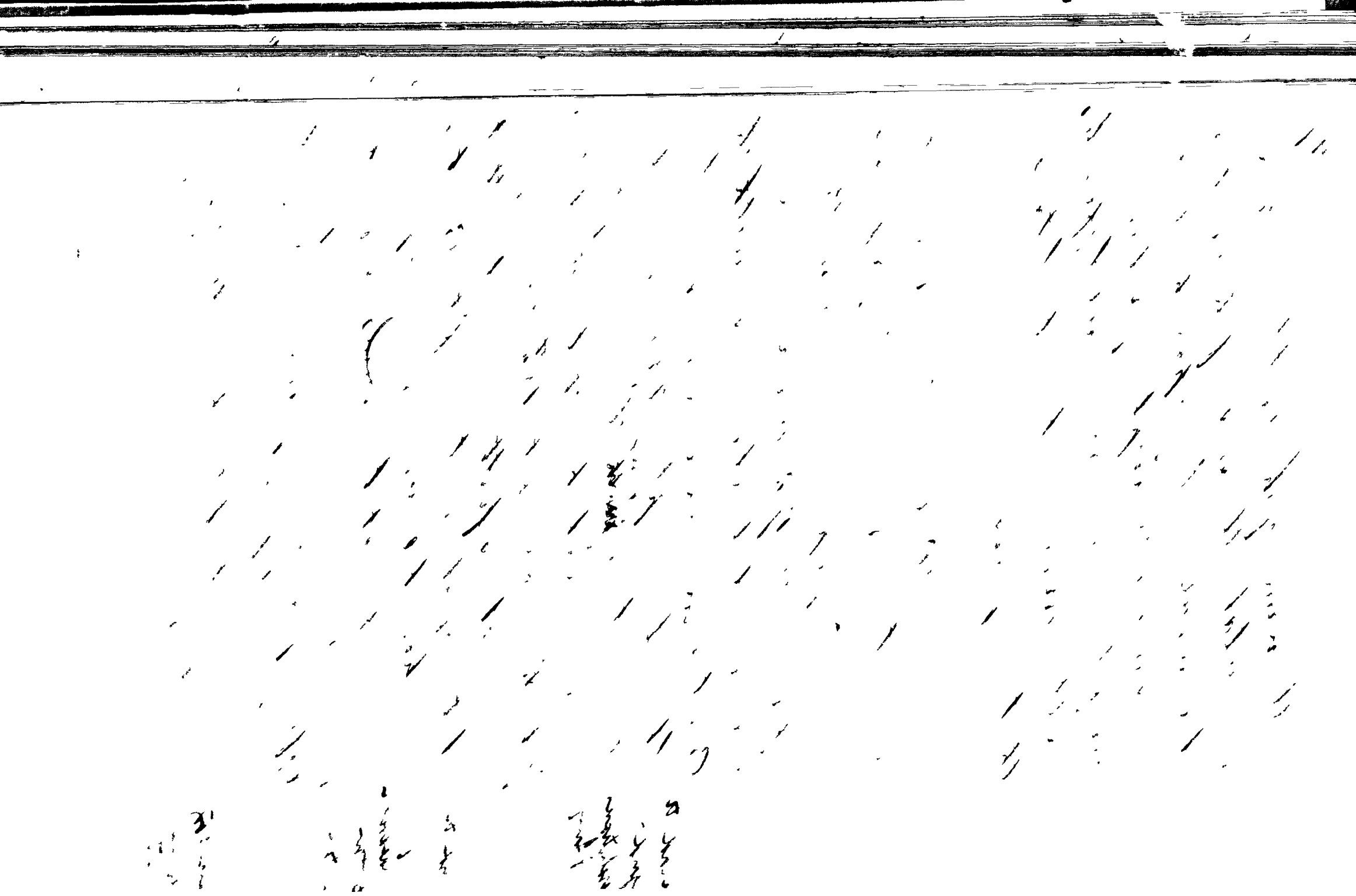
Mr Record to have regard to the Resolutions of the 18 January 1847

It was further understood that at the expected meeting of the Creditors every honest endeavour may be made to meet their views, so far as reasonable, and to overcome any small difficulty that may arise in regard to matters of detail.

Mr Record to make every honest endeavour to meet the views of the Creditors

The Interest, in Mr Records' suggestions to be laid before the Creditors, was reduced from 10 to 8 p Cent.

Interest on Govt claims reduced to 8 per cent



1846.

Cabinet Council at Mr. Records' Office - 13 April at 1 P. M. -

Present Mr Record
" Judd
" Richards
" Wyllie

Mr Wyllie's letter to H. B. M's Cons. Gen. of this date.

Mr Wyllie made known to the Cabinet those parts of what conversation had just taken place with H. B. M's Consul General, which Mr Wyllie considered it necessary to make official in the letter which he submitted, stating his hope that none of the King's Foreign Ministers would subject themselves to the Consul Generals' reproach, that they sought for honors from British ships of war to which they were not entitled. It had long been his wish not to hurt the Consul Generals' feelings which were known to be extremely sensitive upon the point of titles to the King, to His Foreign Advisers, and of visits and salutes to the latter. Mr. Wyllie stated the necessity of making these matters

official, as it was evident that the British Government had written to him, on the subject, and he might require explanations in order to make them himself in strict accordance with the facts.

The letter was approved of with one alteration suggested by Mr. Judd.

Question of Entry & occupancy of the Berkana Premises.

Mr. Weyllie explained that the Consul General had made no reply to the question which Mr. Judd wished a reply to, but that the Consul General had read, during his visit a Memorandum stating views altogether at variance with Mr. Judd, & had promised to write it out, and send it to Mr. Weyllie, to submit to Mr. Judd privately.

Mr. Judd's views, & complaint should be made to the British Government

Mr. Judd said that on that question he could enter into no correspondence with the Consul General he would insist upon having a plain answer to a plain question - if the Consul General denied the authority of the Courts, he would at once pass the whole into Mr. Weyllie's hands that a complaint might be made to the British Government, whose authority the Consul General must respect.

Mr. Weyllie said he had

again urged the Consul General to settle the matter by friendly reference, and has suggested Mr. Van Zyle.

Mr. Judd said that the Consul General having repeatedly declined his offers of reference, he would make no more, & wanted to have no correspondence about a plain question.

Mr. Wyllie said any thing further would be premature till the Consul General's written statement was received, and explained that he considered the Government ought to have saluted him on his arrival, & whether his conduct had been offensive or not offensive, given to him or leased to 25 or 30 acres of land - that it would have done the Government much good, and he would have spent a great deal of money upon the land - that he had got out about a mile of wire-fencing, in the expectation of obtaining land.

Mr. Wyllie explains Consul General's objects in not being saluted on his arrival, and obtaining 25 or 30 acres of land

Mr. Judd said he had never applied to him or any one else for land, and he did not think that land could be safely given in any shape to a man, whose endeavour seemed to be to create a question against the Government, respecting all grants to British subjects - and that his conduct

Mr. Judd's views about land to Consul General Miller

in that respect was extremely hurtful to British subjects desirous of obtaining land, so long as they applied through him. If they applied direct to the Govt., they were generally satisfied & gave no trouble.

1847

Official visit to the King at the Palace, at 1 P.M. 15th April.

Presentation of the Queen's Ratification of the Treaty of 26th March, and arrival of the King from Lahaina.

The Rev. Mr. Judd, Mr. Richards and Mr. Ricord called together at the Palace to congratulate His Majesty, on His Return from Lahaina, which took place early this morning.

Mr. Wyllie bore the Queen's Ratification of 26th March 1846, under the Great Seal, & presented them formally to His Majesty. Mr. Richards interpreted the Preamble and the terms of the Queen's ratification. The King said he liked much the terms of the Ratification by the Queen - in regard to them, there could only be one opinion, but still he could have wished that the 3rd & 6th Article had been changed. He added we will see how they work.

Mr. Wyllie's No 11 to Mr. Barclay approved

The King approved of Mr. Wyllie's reply to Mr. Barclay No. 11, which was interpreted by Mr. Judd.

Mr. Wyllie was ordered by the King to leave the treaty with the Queen's Ratification to be shown to the Queen and the Chiefs, previous to its being archived in the Foreign Office.

Cabinet Council - Monday 19th April at the F.O. at ½ past 9 A. M. at the Foreign Office. -

Present Mr. Richards
" Record
" Wyllie

Foreign Relations

Mr Wyllie briefly explained the matters Connected with the Foreign Relations of the Kingdom, for which he had requested a meeting of the Privy Council, at 10 A. M. this day. They were as follows, viz:-

Mr Wyllie submits to the Cabinet what he was going to bring before the King in Council

Question of appointing Mr Robert Thomas Ridley for San Francisco - Thomas R. Eldredge Esquire at charge for Peru - circumstances preventing Alexander Caldcleugh Esquire from acting as such in Chile. - Letters received from Kings Commissioner in London - ditto from Admiral Thomas - view of Port for Admiral Thomas - request of Consul General Miller for land - and meeting of the Legislature.

Mr. Judd was prevented by business from attending. -

Cabinet Council at Mr. Records chambers on 21st April, at 1/2 past 9 A. M.

Present Mr. Judd
Mr Richards
Mr Wyllie
Mr Ricord.

Mr Records reads an account of the Cabinet & the general Meeting of the Creditors of the 20 April

Mr. Ricord stated that at the general meeting of Creditors held yesterday at the Auction room of Mr. Thompson, the proposals of the Committee of Creditors of the 15th of March, were reported as rejected by Mr. Ricord, and Mr. Ricord's suggestions of 12th April were rejected by the Creditors, upon which certain of the Creditors made the following proposals:

Proposal of certain creditors to take an assignment from others

The Undersigned, creditors of Messrs Ladd & Co, to the amounts set opposite to our names respectively, being a majority in interest of all the Creditors of said Ladd & Co, propose to the other creditors of said firm, to take an assignment from said firm of all their properties and effects of every kind and description, and discharge them from all obligations to us; and further in consideration of such assignment, and that the Hawaiian

Government will release and quit claim to the undersigned, all their right, title, interest claim or demand in and to the Koloa Plantation so called on the Island of Kauai, and that all other Creditors will cancel and render null all notes bonds or other obligations, and all mortgage or other securities held by them or either of them against said firm, we propose and promise to pay to such other creditors as are unwilling to unite with us in such assignment, out of the said property and effects, which we promise to pledge for that purpose, the sum of sixty per centum on the amount of said Ladd & Co's indebtedness to them respectively on the 1st day of April, with five per cent interest within 10 years from the said 1st day of April, on such reduced amount payable annually.

Promise to be signed

S. Reynolds

S. F. B. Marshall

Jr Wood

Boardman

John Mann

Carey & Co

After a long discussion the following Resolutions were passed, subject to the qualifications undermentioned.

No. 1

Resolved that subject to the approval of the King in Council, the Cabinet are inclined to view favorably the proposal of Dr. Ward, W. Boardman, John Munn, Carey & Co, Stephen Reynolds and J. F. B. Marshall, read at the general meeting of Messrs Ladd & Co's creditors of yesterday, provided the same shall be recommended by a regular resolution of a legal majority of all claimants on the estate of Messrs Ladd & Co - provided the Creditors engage to discharge Messrs Ladd & Co, and to cancel all claims of whatsoever kind, which Messrs Ladd & Co. have pretended or pretend to have against the Government - provided that the meaning of said proposal be, that the Hawaiian Government, after the fulfilment of the conditions aforesaid, are to relieve & quit claim their right, claim, interest, &c, on the Koloa estate only for fifty years counting from the date of the present lease, provided under the new arrangements

the Government retain its present mort=
=gage on the Premises in Honolulu, but
not to be enforced until after the parties
so engaging fail to pay the amount of
the interest yearly accruing on the claim
or the interest being regularly paid,
until they fail to redeem the Bonds due
to the Government at the end of ten
years.

Approved unanimously. -

— No. 2. —

Resolved that in the opinion of the
Cabinet subject to the same approval
of the King in Council, Mr Reed, at
the adjourned meeting of tomorrow
should give the Creditors the option
of what is submitted under the
preceding Resolution, or (under similar
conditions so far as they apply) of Mr.
Williams' proposal, as understood and
defined in the first alternative proposed
by Mr. Wyllie in his letter to the Cabinet
of the 7th of April, so much of which as
may be necessary for the sake of
explanation is to be used at Mr.
Reeds' discretion, but not omitting
Mr. Wyllie's stipulation in regard to
Books and to time.

(voted in the affirmative by all except Mr.
Judd, who voted in the negative.)

No. 3.

Resolved that seeing that Mr. Judd objects to the second Resolution, Mr. Reid, in acting under them, shall make no reference to the Cabinet, but state distinctly to the meeting, that under the Resolutions of the Privy Council of 18th Jan. last, he makes his suggestions on his own responsibility, engaging to advocate them before the Privy Council.

(signed) R. C. Wyllie
William Richards
John Reid

The meeting thereafter closed.

Cabinet Council at the S.G. on the 23rd April, at ½ past 2 P.M.

Present Mr Judd
" Richards
" Record
" Wyllie

Meeting of Ladd & Co's Creditors last night

Mr Record briefly adverted to what had passed at the meeting of Ladd & Co's Creditors yesterday, but as copies of the proceedings had not been received, the further consideration of the subject was adjourned.

The King's Speech

Mr Richards read over the draft of the King's speech which was generally approved of.

The Meeting adjourned till tomorrow at 9 A.M. in the S.G.

Cabinet Council at the F.O 24 April at 9 A. M.

Present Mr. Judd
" Richards
" Ricord
" Wyllie

Adjourned meeting of Judd & Co's Creditors. Mr Ricord reports on documents furnished by Dudoit

Mr. Ricord read the following documents viz:

Mr. Dudoit's note of 2nd April to Mr. Ricord.

Memorandum of the voting at the general meeting of the 24th April 1847.

Memorandum of an agreement between Judd & Co and their Creditors, not dated nor signed.

The draft of the agreement of Dr. Wood & others in virtue of which they agree to receive the Assignment.

The draft of the engagement.

After much discussion upon these documents, the Cabinet unanimously agreed to the following resolution:

Resolved that having considered the documents sent in by Mr. Dudoit, which have been read by Mr. Ricord, the Cabinet view them favorably and shall recommend them to the King in Council, for approval, agreeably to

the Resolution of the 18th. Jan.y. last, the full Advantages of which to be liberally allowed to the Creditors by details to be arranged in future as may be necessary, in honorable confidence on both sides.

Mr Reid recommended to consult with Mr Ten Eyck upon verbal alterations

On the subject of certain verbal alterations desirable in the documents submitted, Mr. Reid suggested the expediency of concerting with Mr. Ten Eyck, which was highly approved.

1847.

Cabinet Council, 27 April, at the F.O. at 9 A. M.

Present Mr. Record
" Richards
" Judd
" Mylne.

Mr Richards agrees on the subject of remitting the fines of Mitchell & Voss

Mr. Record read Mitchell and Voss's application for a mitigation of the fine of £500 imposed upon them for allowing gambling in their house.

He read Judge Andrews note of the 24th inst to Mr. Jasper, and Mr. Jasper's letter of same date to Mr. Record, recommending the remission of all the amount of fine except that portion that belongs to the Prefect of Police.

The Cabinet requires Mr Record to produce the record

Adjourned until the record of proceedings be produced, without which no correct opinion can be formed.

Cabinet Council at the F.O. 28th April
at 3 P. M.

Present the Premier
Mr. Richards
" Judd
" Wyllie

Reading of Ministerial Reports

Mr. Ricord read his report on which no remark was made.
Mr. Judd then read his report.
Mr Wyllie read his report
The meeting was adjourned until 9 A. M. tomorrow morning.

Adjourned Cabinet at 9 A. M.
29th April

Mr Richards' report.

The report of the Premier not being quite ready was not read, but Mr. Richards read the report of his Department which was highly interesting.

Cabinet Council at the P.O. April 29th
at ¼ to 10 A. M.
Present the Premier
Mr Richards
" Judd
" Wyllie
" Record.

Further proposals through Mr Dudoit on behalf of the Creditors of Messrs Ladd & Co.)

Mr. Record read the three-fold proposals of the proposed assignees of Messrs Ladd & Co.

The first proposal being to leave the validity of the Contracts to the Attorney General of the U. States, his opinion to be given within five years.

The second - to pay off the Government claim to the extent of 62½ per cent.

The third - to procure an assignment of all contracts held by Ladd & Co. and their own contracts. Government to pay 60 per cent in Bonds bearing 8 per cent, payable in 10 years, amount not to exceed $102.000.

Mr Wyllie moved that each member deliver his views in writing tomorrow at 11 A. M. upon the three proposals of the six creditors.

Mr Wyllie supports motion each Member of the Cabinet gave in his views, tomorrow in writing

Cabinet Council, F.O. at 10 A.M. on the 30th April.

Present Mr. Richards
" Judd
" Wyllie
" Ricord

Three proposals on behalf of Judd & Co's Creditors.

Mr. Ricord read Mr. Gen Lyons letter of the 29th* handing the proposals of the 27th inst by R. W. Wood, S. Reynolds, C Brewer & Co for themselves and others, J. S. Munn by S. Reynolds, Wm Harper, Attorney for Curry & Co.

Reads letter and draft of Resolutions

Mr. Ricord read the draft of a letter of the 30th April 1847, and then the draft of certain Resolutions suggested by him.

With reference to the Resolution No. 2 & 3 of the Cabinet Council of 21st April, Mr. Ricord said he had not acted upon them at the general meeting of the 22nd, because the Creditors adopted plans of their own which prevented any reference to those Resolutions. Whereupon it was Resolved that the Resolutions referred to are now without an object, & consequently are rescinded.

Resolution re-rescinding Resolutions No. 2 & 3 of 21st April

After some discussion the following views by Mr. Ricord were read:

* See folio 149 of this Volume.

Mr Richards
resns

1 Resolved that the first and second
projects of Ladd & Co. creditors cannot
be acceded to by this Government.

2. Resolved that the Attorney General
be authorized, in answer to the third
project, to inform the Creditors that this
Government will be prepared to receive
from Ladd & Co. an Assignment of all
their properties real and personal,
including Books &c in trust for the
equal benefit of their creditors,
according to the legal priority of
their respective claims and securities,
and that this Government will cause
the same to be managed for the
equal benefit of said creditors for
five years from this date, yearly
causing dividends to be paid to them
upon the net receipts avails and
incomes, in reduction of their respective
demands of said creditors, and that
at the end of the said five years in
case the whole sum of sixty cents
in the dollar of the aggregate demands
of said creditors as proposed be not fully
extinguished, the said property will be
sold to the highest bidder, and the
proceeds be apportioned out to said
creditors ~~pro rata~~ pro rata. The

Creditors in the meantime to hold instead of their present securities, new Mortgages of concurrent date, upon the whole of the real estate lately owned by Ladd & Co, for the sixty per cent of their respective claims due in five years, and in the meantime to bear five per cent interest per annum out of the proceeds of said properties.

Mr Richards views

Mr Richards then read his views:

Mr Richards advises to decline all three of the propositions made by the creditors of Ladd & Co, but at the same time to offer to receive an assignment of all the properties of Ladd & Co, on precisely the same terms as the six creditors have done, also renew the last offer of the Government to accept the proffer of the six Creditors, on the conditions mentioned. If neither of these should be approved by Ladd & Co & their Creditors, then signify the wish of the Government that there should be no longer delay for the purpose of compromise.

Mr Judd views

Mr Judd asked for the first undertaking of the Gentlemen above

named, brought forward on the 20th & 22nd instant, and advocated the expediency of the Government assuming exactly their position, showing what alterations should be made in the verbal undertaking.

Mr. Wyllie read seven resolutions which he had prepared.

Mr. Wyllie's resolutions adopted

It was agreed that Nos. 1. 2. 3. 4 & 5 should be adopted and recommended to the King in Council, and that a Privy Council should be convoked for tomorrow at 11 A. M. & that whatever the King in Council may finally determine upon at that Council be submitted to the Creditors, at a general meeting of Creditors to be convoked by Mr. Reynolds the Chairman, tomorrow at 7 P. M.

Mr. Record submitted a letter to be addressed to Mr. Reynolds.

Cabinet Council at the P.O. 4th May
at 8 A. M.
Present Premier
Mr Richards
" Judd
" Wyllie.

Mr. Ricord's resignation

The letters of Mr. Ricord of 28th April, to the Cabinet, and letters of 3rd May to the Premier, & of same date to Mr. Wyllie were read, and the following Resolutions were passed:

No. 1

Resolved that having considered Mr. Ricord's correspondence with the King, in connexion with his letters of 28th April to the Cabinet, and of 3rd May to the Premier, on the subject of his resignation, the Cabinet have no power to object to the King's permission, but they consider it inexpedient that his office be vacated, or any public announcement thereof be made, until the act providing for the due performance of the duties assigned to him, under the laws be passed & promulgated.

No. 2

Resolved that a general list of all

books belonging to the Government be made out - that the books be all placed together in the Office of the Premier - that after comparing them with the list, Mr. Record & Mr Lee be invited to make out a list of all the books that can be spared without prejudice to the Government.

No. 3.

Resolved that in the meanwhile what the King has directed in regard to Mr. Records' Archive may take effect, when, how, & where it may please His Highness the premier to order.

No. 4.

Resolved that the Cabinet would recommend that every document delivered over by Mr. Record be numbered consecutively in red ink, from No. 1 onwards at bottom, & signed by his initials and those of the premier & his assistant, & that the same numeration be made in the general list of the documents, so as that any document may be drawn out by its number when wanted, and that a copy of the receipt be appended to the list.

Resolved that a copy of these Minutes be passed to Mr Ricord.

The report of the Minister of the Interior.-

The Minister of the Interior read his report, which is to be submitted to the Legislature this day.

Resolution respecting letters to be added to these Minutes

Resolved that the letters above referred to, be added to these Minutes before passing a copy to Mr. Ricord.

Cabinet Council at the F.O. on the 5th May 1847, at 3 P.M.

Present Mr. Ladd
" Wyllie
" Record

Letter from the six Creditors of Ladd & Co.

Mr. Record read a letter from the six creditors which had been left by Mr. Dudoit.

Resolutions of the Cabinet thereon

The following Resolution was passed:
Resolved that Mr. Record very courteously return to Mr. Dudoit the letter of this date signed by C. Brewer & Co, Wm Cooper, C. H. Boardman, Stephen Reynolds, S. G. Munn & R. W. Wood, with a copy of the Resolutions of the Cabinet & of the Privy Council that were submitted at the last meeting of their Creditors calling his attention to Resolution No. 1 of the Cabinet without an exception in accordance with which, the letter cannot be received.

Cabinet Council at the F.C. 6th May.

Present Premier
Mr Richards
" Judd
" Wyllie
" Ricord.

Appointments necessary under the new Act superseding the office of Attn Genl.

Mr Ricord called the attention of the Cabinet to the necessity of appointing the new officers required, so as that the proper notice may appear next Saturday, stating that under the new Act, the appointments belonged to His Highness the Premier.

The Premier replied, that he would be happy to appoint those parties that might appear to the Cabinet most competent.

Mr. Lea appointed as Marshal & Mr. Jasper as Registrar.

It was agreed that Mr. Lea should be appointed as Marshal, and Mr. Jasper as Registrar, and that Commissions should be prepared.

Delivery of the Mr. Records. Archive.

Mr. Wyllie read the Minutes & resolution of the Cabinet Council of the 4th, which were approved, and the Premier appointed Mr. Judd to assist him, & that the delivery should commence tomorrow at 9 A.M.

Mr. Wyllie said that Mr. Singleton knew well the form required under the 4th Resolution, & would be exceedingly useful, if called upon.

Cabinet Council at the P.O. 7th May at 10 A.M.

Present Mr. Richards
" Judd
" Wyllie
" Record. —

Mr Records right to be specially retained in the case of Ladd &c

Mr. Record informed the Cabinet that as the meeting of Ladd & Co.s Creditors had been adjourned till tomorrow night, he would suggest for the safety of Government that a Notice should be put in the Polynesian of his being specially retained as the Attorney of Government, pending the Compact of 13th July last, and submitted a Draft of the Notice to be given.

Mr Wyllie objects

Mr. Wyllie stated that he decidedly objected to such a notice, as unfair to Mr. Record, as placing him in a position of inconsistency with his own professions, as discreditable to the Government by stultifying Mr. Record's letter of the 29th October 1846 to the King, His Majesty's reply Mr. Record's report to the Legislature, and the very other Notices that were to appear tomorrow.

Mr Den Eyck consulted upon a point of Law

Mr. Wyllie proposed as an Amendment the following letter to Mr. Den Eyck, saying that Mr. Den Eyck's answer would show whether the

Compact of 13 July required any such measure as that which Mr. Rives suggested: —

Foreign Office, 7th May 1847.

My dear Sir,

The Attorney General having prepared himself to depart this Kingdom for California, I take the liberty of requesting you to inform me, with the least possible delay, whether the substitution of any other person in his room, to act under the Compact of 13th July 1846, would be objected to, or at all invalidate or vitiate the course of Arbitration provided for in that Compact.

My own opinion is that it would not, but being the official Depositary of the Compact, I wish to ascertain your opinion, with liberty to register it along with the Compact.

I remain,
My dear Sir,
Yours respectfully
(signed) R. G. Wyllie.

Anthony Pym Eyck Esquire,
U. S. Commissioner, &c &c &c.

The letter was approved, &

ordered to be sent by a special
messenger to wait for a reply.

Mr. Record went into explanations
to show the advantage to the Government
of continuing his Agency in this case.
Mr Wyllie remarked under the circumstances
of Mr. Record, it would not be fair
to him for the Government to retain
him, & that while he gave every
credit to Mr. Record for his zeal in
the Government service, he would
record his objections to any such
notice, until after Mr. Dan Eccles'
answer should be received - that if
that answer should show any necessity
for such a notice, then he would
approve of it, because the Government
could then issue it without any
inconsistency, provided Mr Record
were willing to make the sacrifice
of so long foregoing his intentions
& arrangements, & of undertaking
the Agency implied. —

1847

Cabinet Council at the F. O. 15th May at 3 P.M

Present
Premier
Mr Richards
" Judd
" Wyllie

Complaint against Consul General Miller for retaining unlawful possession of the Beretania Premises since the 6th of April 1846

Mr Wyllie explained, that he had only on the 13th inst acted upon the official request of Mr Judd, of the 15th Ult., of which all approved, not that he did not think Mr Judd fully justified in making that request, but because the Consul General had verbally on the 13th, and subsequently in writing, so mixed up personal matters of an aggravating kind, that Mr Wyllie had felt bound as a Gentleman, to give the Consul General repeated opportunities to retire his offensive Notes, and leave this plain question of the Beretania Premises separate and distinct.

In thus acting, Mr Wyllie said, he was influenced by no considerations of undue partiality to the Consul General, but by a desire, out of respect for England, to carry tolerance to the most extreme point.

The Council would remember that he (Mr Wyllie) out of delicacy to the Consul General had declined to attend their meeting of the 20th of March 1846 when considering the complaints of Mr Ricord against the Consul General, for his outbreak in the Palace and that on, at their meeting on the 21st of that Month, he had explained to them the reasons why he (Mr Wyllie) had never shown the Consul General's private and unofficial communications, many of which related to the public service, but also contained matter that could not fail to irritate Mr Judd and others of the Kings Ministers.

Mr. Wyllie asks leave to keep back certain of the inspired documents received from the Consul General

As the Cabinet, and afterwards the Privy Council had approved of these considerations then, Mr Wyllie hopes that they would also approve of his still keeping back such offensive documents as he had subsequently received and contenting themselves Mr Wyllie's replies, which in accordance with the Kings order of June last had always been made in official shape.

Mr Wyllie, till lately had always entertained hopes that the Consul General would abandon his personalities, and become a practicable Man, but now he had given up all hopes and he thought that the honor of Great Britain required that a request should be made for his recall, which hitherto Mr. Wyllie had always opposed.

After reading the correspondence and a review of the whole proceedings and of the general course pursued by the Consul General, the following Resolutions were passed

1st That all efforts to conciliate or keep on good terms with the Consul General have failed.

2d That the Kings Ministers can no longer have personal intercourse with him, thereby subjecting themselves to the indignities and insults of which all have had more or less experience

3d That these Resolutions be formally laid before the King in Council, on Monday the 17th inst. and that Resolutions be then submitted prepared by the same Committee that prepared the Resolutions of 18th June 1846, with the view of showing the fact that the residence of William Miller Esquire as British Consul General here is incompatible with British influence and interests on these Islands.

Adjourned till 9 A. M. on Monday the 17th. instant.

Adjourned Meeting of the Cabinet at the office of the Minister of Public Instruction 17th. May at 9 A. M.

Present — Mr. Richards
" Judd
" Wyllie

Questions with H.B.M's Consul General

The Resolutions prepared as agreed upon on Saturday were read and approved —

Mr. Ricord's Oath of Allegiance

Mr. Wyllie submitted a Resolution to be laid before the King in Council authorizing the absolution of Mr. Ricord from all further Allegiance to His Majesty —

Authorization of Mr. Judd to act as the Agent of the Govern.t under the Compact of 13th July 1846

Mr. Wyllie submitted also a Resolution to be laid before the King Council to the effect that Mr. Judd should have authority to act as the Agent of the Government, in all matters relating to the Action of Messrs Ladd & Co under the Compact of 13th. July 1846, and under the Resolutions heretofore passed, or that may hereafter be passed relating to those matters —

1847

Cabinet Council at the F. O. 21st May at 1 P. M.

Present Mr. Richards
" " Judd
" " Wyllie

Question of publishing a Protest against Lord H for withdrawing the Arbitration

Mr. Judd read a Declaration and Protest, which he had prepared, against the withdrawal of the Arbitration — also a Protest which he had prepared against the same, with the view of having something published in the Polynesian of to-morrow.

Mr. Wyllie objects

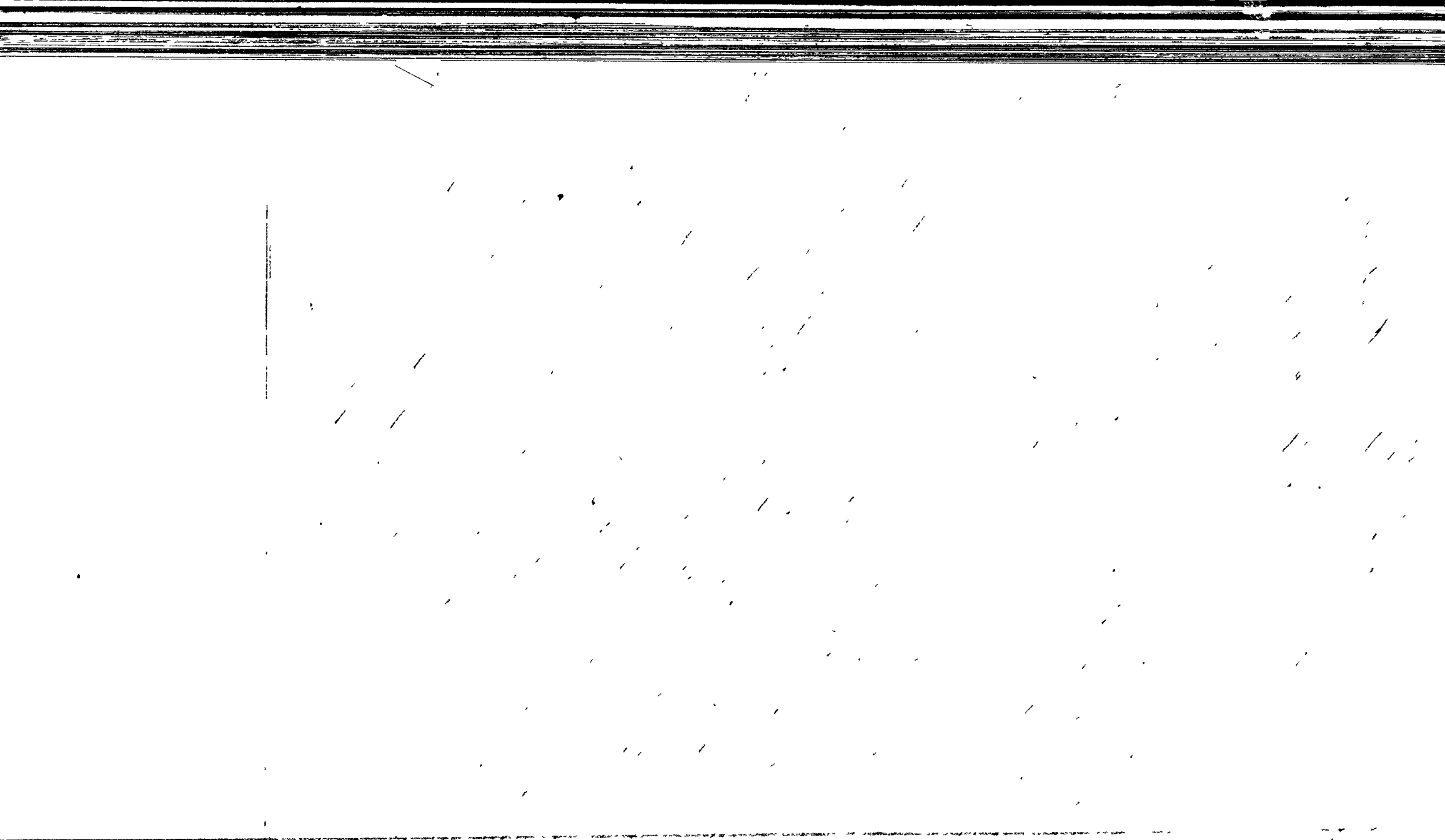
Mr. Wyllie objected to the Publication as premature.

Finally

Finally it was agreed that the Protest should be sent in to the Arbitrators and published with their letter of the 17th May, if they should so consent.

Mr Judd ready to move Resolution of 17 May

Mr Wyllie read the Resolution of the 17th inst. empowering Mr. Judd to act. It was agreed that Mr. Judd should officially inquire of Mr Reynolds if the late overtures of the Government in Resolutions of the Privy Council, were rejected, and unofficially of Mr. Ten Eyck, whether any statement was going on to the U. S. by the Montreal in relation to Lord Hos affairs.



1844

Cabinet Council Foreign Office 26th May
Present Premier
Mr Richards
" Wyllie
Mr Judd could not be found.

Consul General
Miller tampering
with Moses
the Young Chief

Mr Wyllie stated what Moses had told him last evening, and suggested that the Governor should not permit his son to talk with the General upon matters of Government, or to visit him except when sent. Mr Wyllie further observed that complaints had often been made by the Natives that he attempted to make them dis-contented with their taxes and distrustful of Mr Judd - Upon that subject the King had complained to the Admiral when he was here. It was the Consul Generals way always to be meddling and working underhand, and the worst was, he was always imposed upon and took up things in a wrong sense and so wrote them to the British Government.

Intrigues
against
Mr Judd

It was agreed to recommend to the Governor to address a Note to the Consul General -

1847.

Cabinet Council Foreign Office 11th June

Present G. P. Judd
W. Richards
W. Wyllie

Reduction of duties and imposts on whalers and increase of charge for Licenses

Mr. Judd brought forward a Project consisting of Eight Resolutions, to be submitted to the Legislature, with the view of encouraging the afflux of Whalers to Hawaiian Ports, by the abolition of all charges upon them and of guarding against any great loss to the Revenue by an increase in the charge for Licenses

After some discussion, the project was approved of, to take effect, from 1st July 1847.

1847

Cabinet Council 12th June 1847

Present Premier
Mr Richards
" Judd
Wyllie

Verdict in Mr Records favor

Mr Wyllie stated he had requested a meeting of the Cabinet to lay before them Mr Records letter of the instant, and recommended that the Cabinet should receive it, in the most favorable manner

These views were generally approved, Mr Richards interpreted them to the Premier and the following Resolutions were passed

1st

Resolved that the Cabinet are pleased to know that Mr Record has obtained a favourable Verdict, under the charges lately brought against him -

2nd

Resolved that the Cabinet concur, in recommending to the King in Council, to relieve Mr Record from his pecuniary difficulties so far as the state of the Exchequer, present and prospective will allow, in the way best calculated to leave a clear record of the relief granted, of the manner in which it is granted and of the Parties to whom Monies may be paid on Mr Records account, guarding always against the establishment of a precedent for other Ministers of the Crown to claim the same Relief in similar circumstances -

3rd

Resolved that Mr Ricord's Letter be specially referred to the Minister of Finance for him to report upon in writing to the Cabinet at an early future Council, with a plan for giving to Mr Ricord the pecuniary relief referred to in the second Resolution —

Mr Judd said he wished to have a Copy of the Resolutions; and it was agreed that Mr Wyllie should pass a Copy of the 3rd to Mr Ricord, and that Mr Judd should confer with him, as that the arrangement to be submitted to the Cabinet, may be complete and satisfactory; and that that plan of arrangement be submitted to the Cabinet that all the Members may concur in recommending it to the King in Council —

Cabinet Council at the F. O. 16th June 1847

Present Mr Judd
" Richard
" Wyllie

Correspondence with Mr Ten Eyck about the return of Mr Ricord's Oath of Allegiance

Mr Wyllie read his No 27 to Mr Ten Eyck, and the Letters Nos 25 & 27, showing the correspondence that Mr Ten Eyck had started upon this subject.

Mr Wyllie stated that Mr Lee had advised him to take no notice whatever of Mr Ten Eyck's communications, but that desiring to avoid any thing that might appear uncourteous, or to involve admissions, he had sent the reply

122
No 29 of the 14th –

It was remarked that Mr Ten Eyck's No 25 of 11th & 14th had a marvellous coincidence with what appeared in the L. I News just out.

Mr Wyllie admitted that such was the case, and that perhaps Mr Ten Eyck might have read or shown his Despatch to the Editors of the News, & that writing immediately afterwards, the latter could naturally imbibe his ideas –

It was contended that Mr Ten Eyck was believed to write in the News. Mr Wyllie admitted that he had been assured that he did write the article containing "O Tempora O Moses" and the article about Cuba & others, but he could not persuade himself that at his great hazard, he would violate a clear instruction from the American Government neither to write in Newspapers, nor even in Despatches to use personalities – Abell and Brinsmade would move Heaven and Earth to create a breach between Mr Ten Eyck and the Government –

1847

Minutes of Cabinet Council at the F. O
17th June at 10 A. M.

Present M.r Richards
" Judd
" Wyllie

Mr. Judd's Report in relation to the relief of Mr Ricord's pecuniary difficulties —

Mr. Judd stated that he had ascertained that Mr Ricord owed $500 to one Party and $738 to another — in all $1238. and that he had paid the rest out of the funds which he had saved —

Mr Judd submitted the following written Report

The undersigned agreeably with Resolutions passed by His Majesty's Cabinet on the 12th. instant

Reports

a plan for giving to Mr Ricord the pecuniary relief referred to in the 2nd. Resolution above mentioned,

1st. That a loan of Two thousand dollars be granted Mr. Ricord.

2nd. That the relief so granted be clearly recorded on the Treasury Books, in the following form

Bills Receivable Dr. to Cash

Note of John Ricord for Money loaned him for his relief, under pecuniary difficulties, dated June 1847 and payable on demand with interest $2,000

3rd. In order to guard against the establishment

of a precedent for other Ministers of the Crown to claim the same relief in similar circumstances, the undersigned would submit the following

Resolution

Mr Judds Resolution to guard against the Precedent

That we will never claim or allow any Minister of the Crown to receive relief under similar circumstances

(Signed) G P Judd

The inconvenience of the precedent thus established was discussed and much regretted.

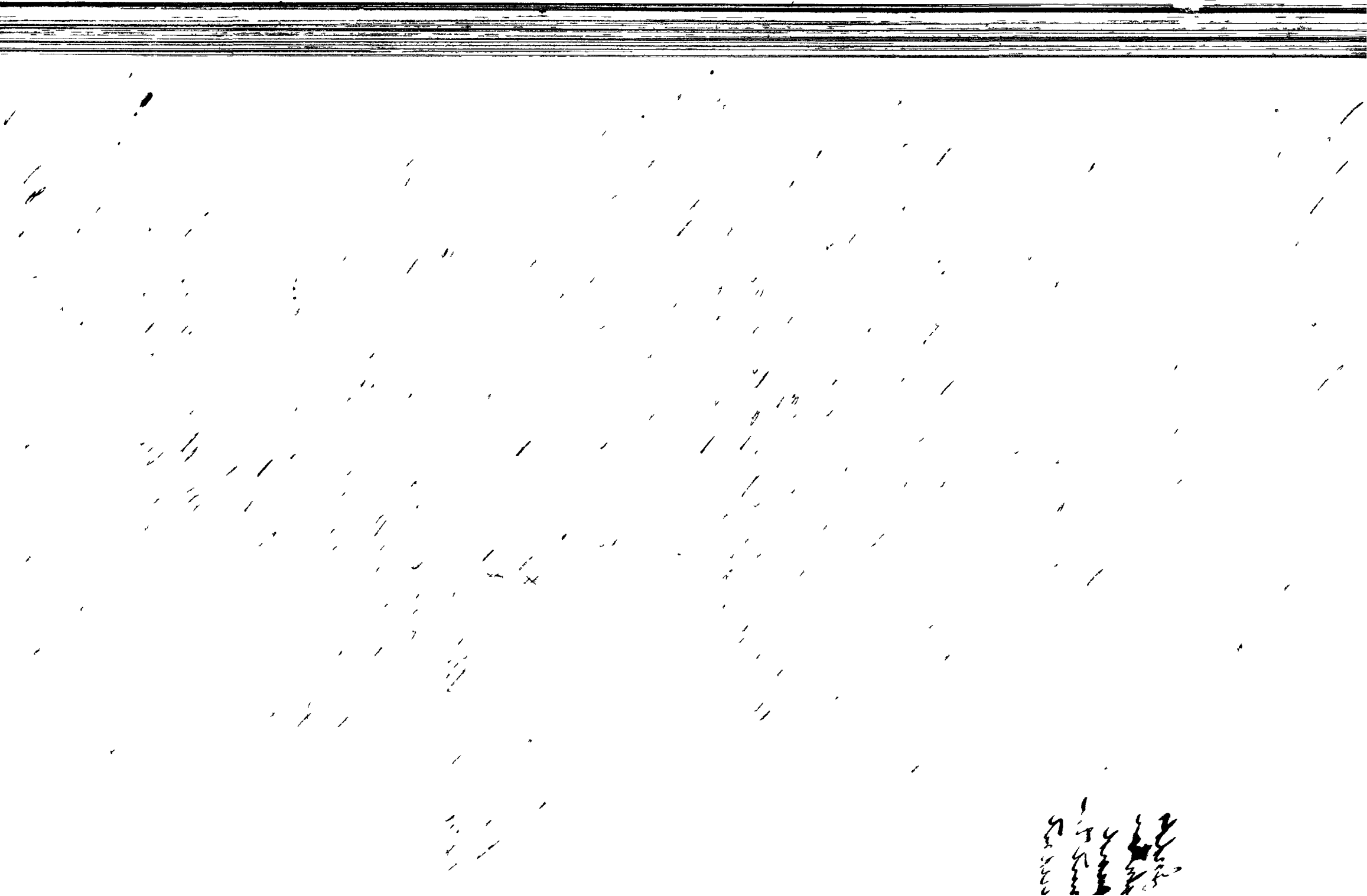
Mr Wyllie was of opinion that the credit should be for 2 years, whereupon Mr Judd explained his reasons for desiring a Note payable on demand, and for wishing the Entry made as he suggested.

It was agreed that the subject in all its bearings should be laid before the King in Council, as early as possible.

Mr Judd showed Mr Jarves's Account for $1029. 24 cents with interest amounting to $1080. 70 cents, and explained that Mr Jarves wished 50 Per Cent upon prime Cost & all charges and that that was not his (Mr Judd's) understanding; on the contrary, that he had told Mr Jarves, on the occasion of a former account that rather than pay that, he would in future order direct whatever was wanted —

Mr Jarves's account for Printing Materials

Mr. Wyllie stated his opinion that among Merchants, a sale of 25, or say 50, Per Cent upon Invoice, meant upon prime Cost & all charges — that so much Per Cent upon Prime Cost was a different matter. & that if



there was any doubt about the understanding
between Mr. Judd and Mr. Jarves, he thought
that 50 Per Cent would be reasonable, but
that it would not be reasonable to reduce the
Bill to the mere prime cost and charges
with Interest.; if Mr. Jarves had given the
order in the understanding that 50 Per cent
was to be allowed to him and before Mr. Judd
had told him that in future, rather than
pay that he would order the things himself.

What Mr Judd agrees to pay Mr Jarves

Mr. Judd presented an account
which he had prepared and was ready to
pay — Prime cost with $2.60 cents
Charges & Package $852.91 add 50%
on Cash in Boston — 426.45
$1279.36

Mr. Lyllie thought that under
the circumstances stated, it would be
fair that Mr. Jarvis should accept that.

Cabinet Council, at the F. O - 24th June at 1/2 past 12

Present Premier
" Richards
" Judd
" Wyllie

Mr. Richards Draft of Restriction or Law, to enable those Foreigners who hold land under titles less than Allodial to obtain Titles in Fee.

Mr. Richards submitted a draft so as to render it lawful for those Aliens who now hold lands under titles less than Allodial to convert their titles into freeholds by paying a paying a commutation to be agreed upon by the King in Council.

The draft was as follows

Whereas it is the design of the Kings Government to grant every privilege to Foreigners and even to Aliens which can consist with the best interest of Native Subjects - and whereas the value of real Estate in the principle Town of the Island has been materially increased by the outlay of foreign Capital and whereas all Foreigners by accepting titles to real estate in the Hawaiian ~~Islands~~ Kingdom do hereby put themselves under the full protection of this Government so far as their interest in such Estate is concerned and whereas it is the special wish of the Government to bestow favors on that class of foreigners who have had interests growing up with the Natives in past years, therefore

Be it resolved by the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled that the words "They are not able to acquire any Allodial or Fee Simple Estate in land" found in Sec: IV Chapter V Part 1st of Sec: II nd Kamehameha III rd shall not be interpreted as applying to those Aliens who are at the present date in possession of Freehold Estates, less

than allodial. On the contrary it shall be lawful; but in like manner as Subjects receive Royal Patents in fee simple for those Estates on paying such commutation as shall be approved by the Privy Council. This Resolution shall not be interpreted to extend to any Estate not now in possession of an Alien Foreigner.

It was approved and agreed to be submitted to Judge Lee to put it in legal shape.

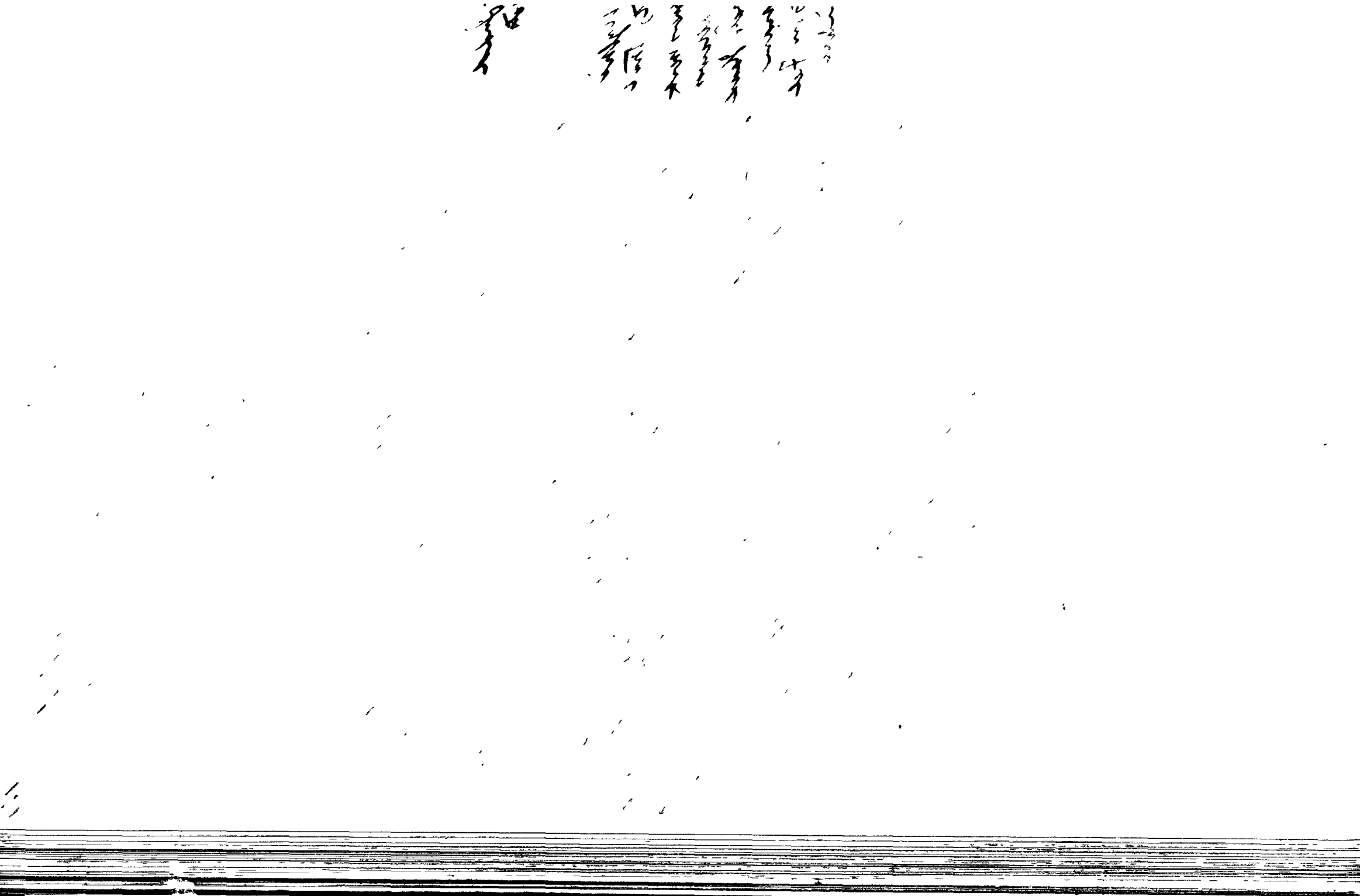
Mr Judd objects

Mr. Judd reserved to himself the right of objecting to it, in its next stage, if he should think necessary.

Mr Wyllie regrets that Foreigners may not be allowed to hold House & Garden Lots in Fee Simple

Mr. Wyllie expressed his regret that Mr. Richards had not also prepared a Draft to enable Foreigners to buy and hold in Fee Simple, house and garden lots in the Sea-port-towns and Villages, under a Proviso in the bills of Sales to be given them, to the effect that, in regard to land so held by Aliens, they abjured all Jurisdiction other than that of the Kings Government.

In support of these views Mr. Wyllie quoted from the laws of different European Nations and from those of some of the States of the American Union.



1847

Cabinet Council 16th July at 9 A. M.

Present Premier
" Judd
" Richards
" Wyllie

Mr. Wyllie read his official correspondence with Mr Ten Eyck about the "J. D. News"

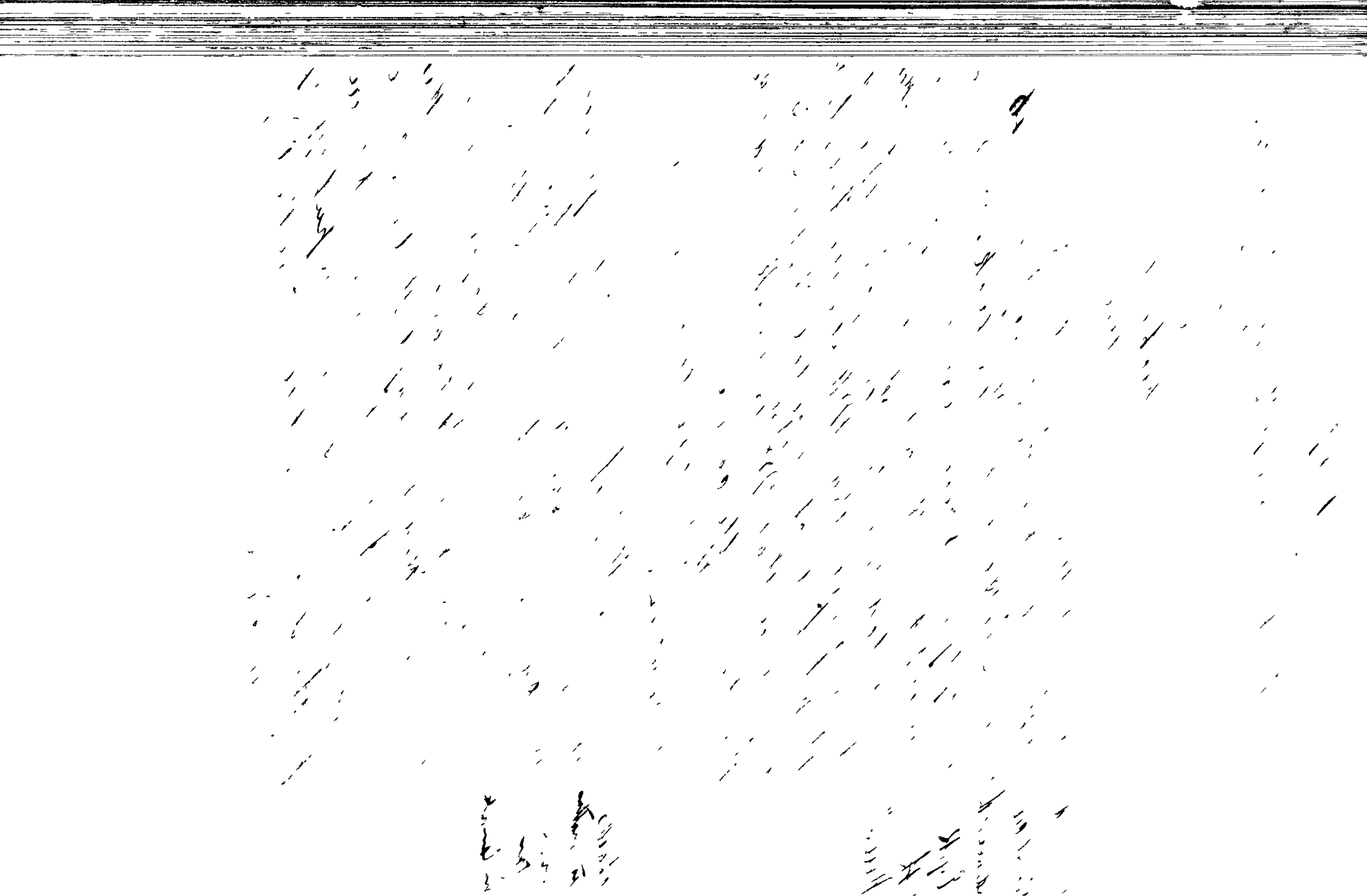
Mr. Wyllie having called the attention of the Cabinet to the J. D. News No 46 and his letter to Mr Ten Eyck No. 32 and his reply No 28 received yesterday. Mr Wyllie thought the latter a very gentlemanly letter and stated that Mr. Ten Eyck had pursued the very course that Mr Wyllie wished, but that he had not suggested it, from his confidence that Mr Ten Eyck would take that honourable course.

The correspondence gave great satisfaction —

Mr Richards submits matters to be brought before the King in Council

Mr Richards briefly explained the claims of John Knight, John Smith, W. Dawson, Kaelkamanu Sathers for land — also Capt: Rogers letter about land &c in Hilo and other matters to be submitted this day to the King in Council

A few brief remarks were made, but it was agreed to put off any further discussion till before the King in Council —



1847

Cabinet Council at the P. O. 19th July

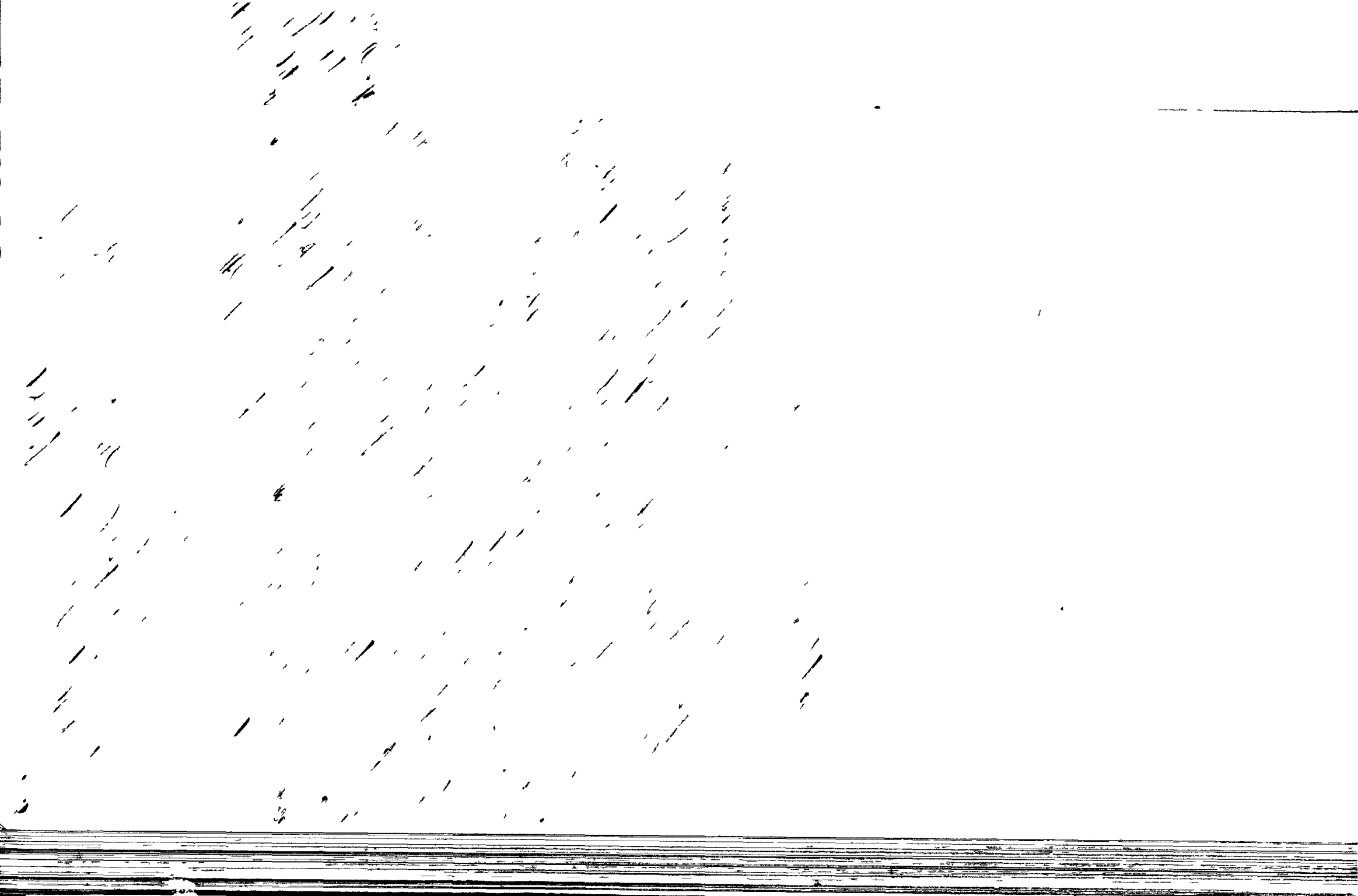
Present Mr. Richards
" " Judd
" " R. C. Wyllie

Mr. Wyllie's No. 33 of 14th July 1847 to Mr. Sec. Wyllie

Mr. Wyllie passing in review the course pursued by Alex. G. Abell, Mr. Brinsmade and Mr. Hooper, stated his conviction, that in his official position, it was his duty, no less to the King, than to the U. S. Government & to their Commissioner here, to make officially known the complaints of the Government against such Citizens of the U. States.

Still it was Mr. Wyllie's feeling that, after having exerted so much forbearance with them, Mr. Wyllie's No. 33 should not be sent in, if they, in the next fl. of the S. I. News, should retract their charges and express their regret in a Gentlemanly manner.

The letter was read & approved of.



1847

Cabinet Council 5th August

Present Premier

" Judd

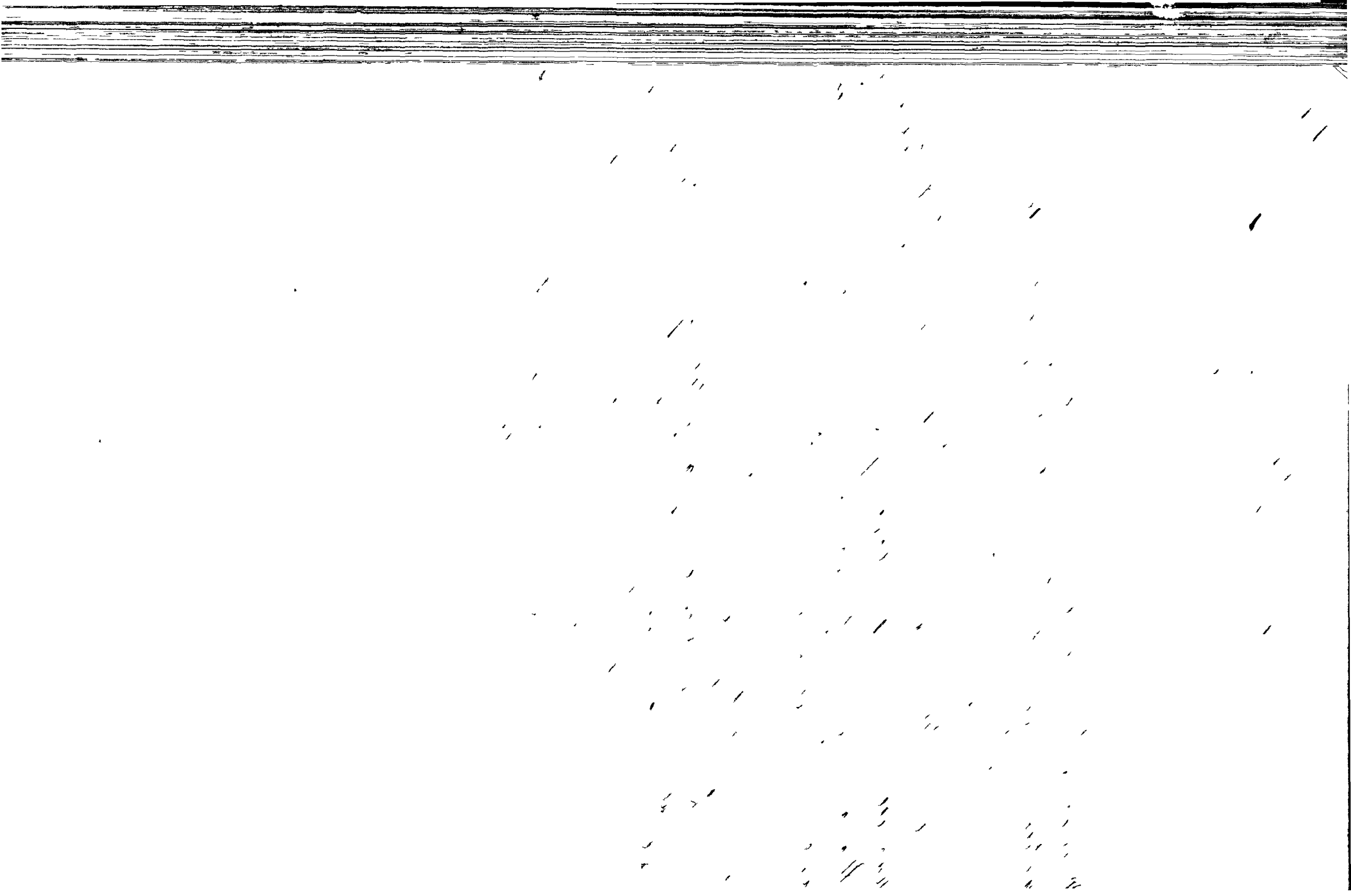
" Wyllie

Mr Jarves's resignation — The subject was talked over, and it was agreed to bring it up before the King in Privy Council

Mr Miller & Dr Macrae of the U.S.S. Cyane — Mr Judd laid on the table their letter applying for 100 acres of land at Hilo. It was favourably received, but agreed to be discussed before the King in Privy Council.

Consul General Miller's wish for a personal official interview — Mr Wyllie read Consul General Miller's note of yesterday and Mr Wyllie's reply, in connection with Resolutions 25th and 27th of the King in Council, passed on the 17th of May

It was agreed that the question was one for the King to decide.



1847

Special Cabinet – assembled by order of the King, at the Foreign Office 11th August

Present Premier
Mr Judd
& Mr Wyllie

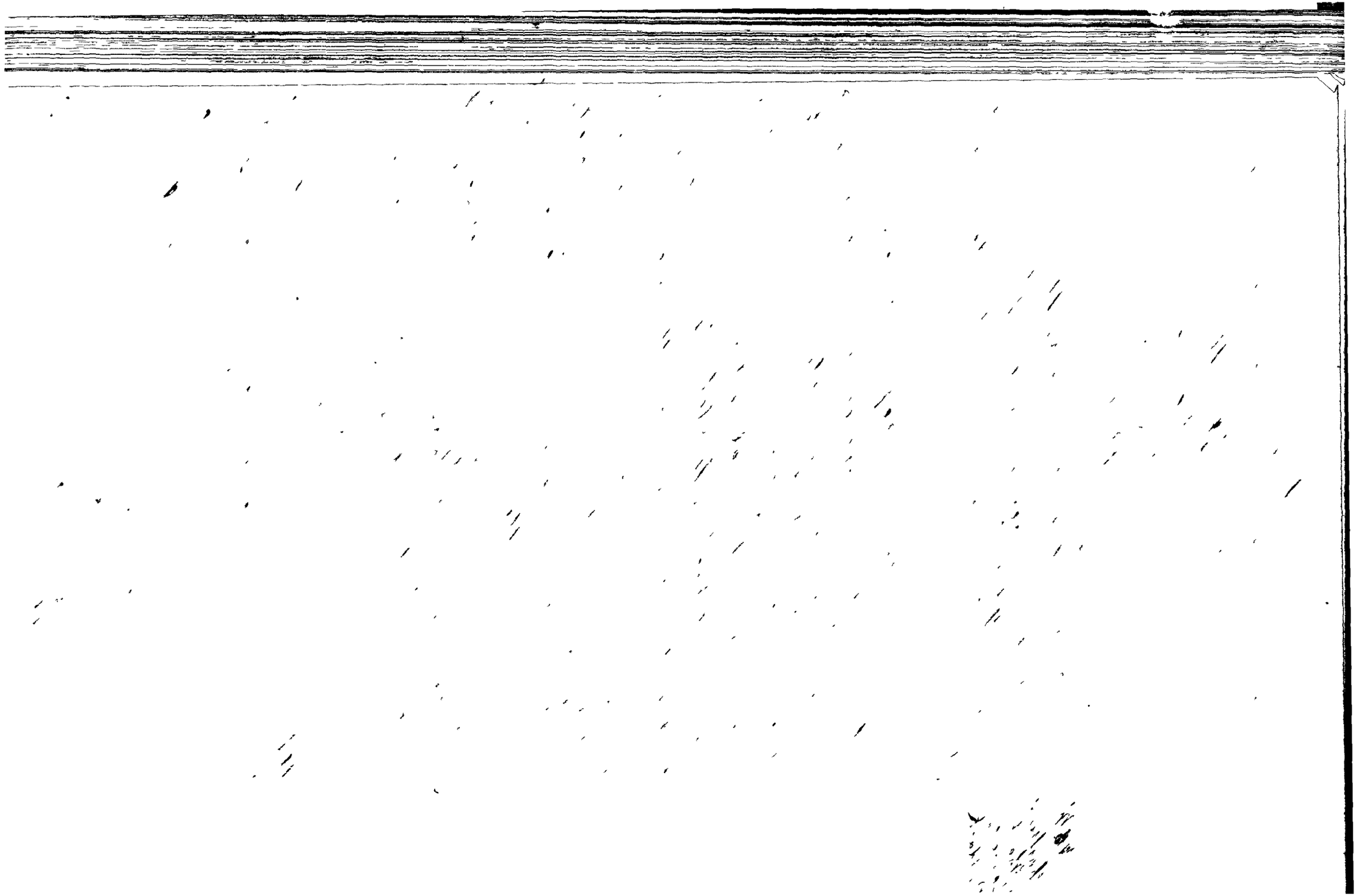
Decisions of H.M.'s Govt on Charlton's case, the Wharf claim & case of James Ruddock

The Consul General came at 11 A. M. and immediately proceeded to read the following paper, which he left to be submitted to the King – It was as follows

One of the principal objects of my soliciting this Interview is to speak of, and in order to avoid if possible, one of two contingencies which otherwise would be likely to arise in carrying out the final settlement here of the Questions respecting Mr Charlton's land, and the privilege of running out Wharves, whereas by coming to an amicable and frank understanding at the outset, labour and time may be saved, and be the means of generating that conciliatory spirit so desirable on all occasions –

In order to explain it is necessary that I should briefly state to you what at greater length it will be my duty to communicate in writing.

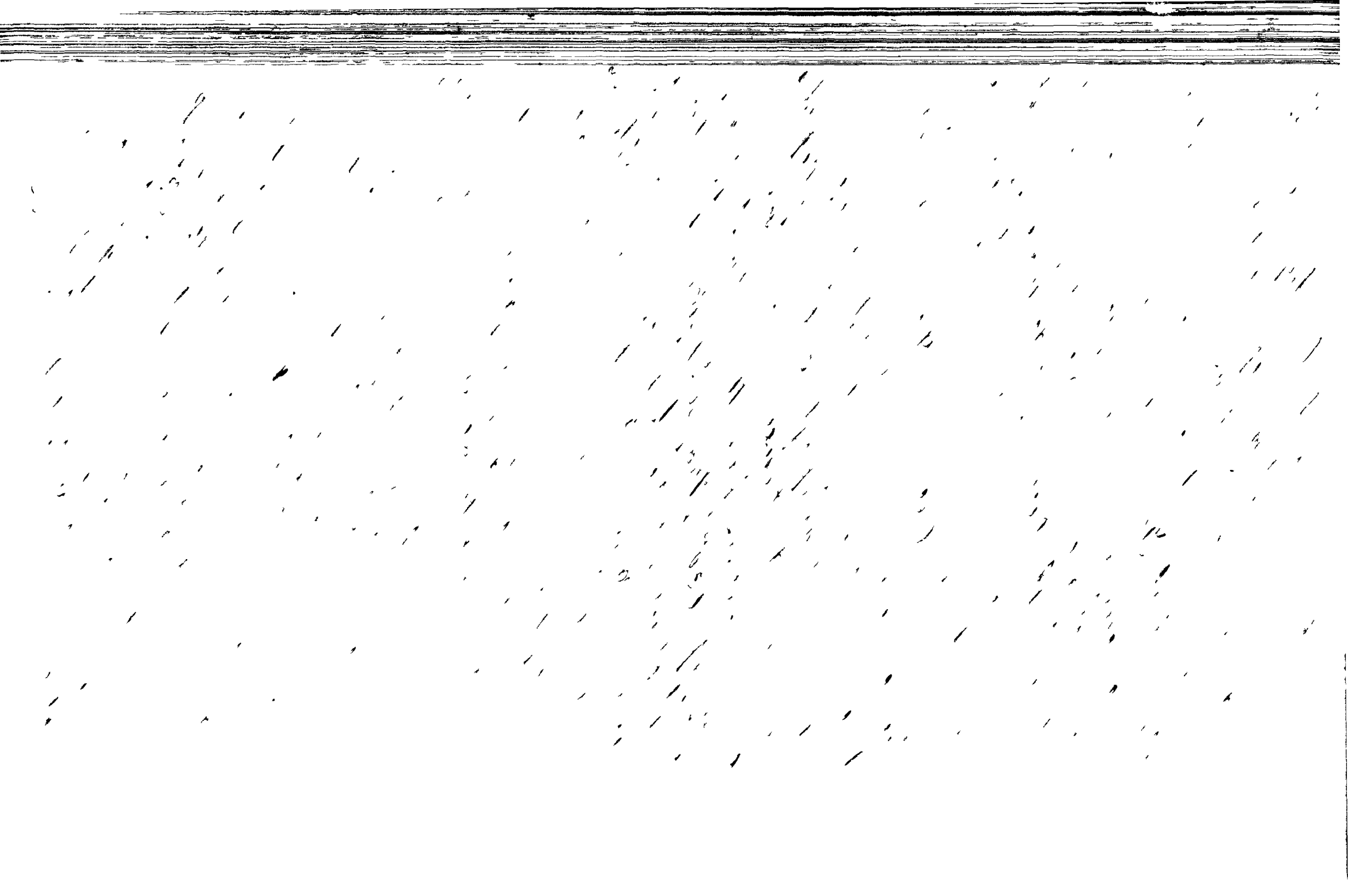
With regard to the construction of a Wharf on the Sea Shore in front of Mr Charlton's land, I am instructed to communicate that the construction of those Wharves by the Sandwich Islands Government in the opinion of Her Majesty's Government is not an infringement of the Grant to Mr Charlton, and I am not therefore to oppose the construction of such Wharves.



Rear Admiral Sir Geo: Seymour states in his Report of the 8th September 1846, transmitted through The Lords Commissioners of the Admiralty to Viscount Palmerston, that although the King and his Ministers did not concur in his view respecting the genuineness of the signatures, yet They engaged to abide by the Decision of Her Majesty's Govt on a reference which had previously been made to it on this point.

That Decision of H. M's Govt has been conveyed to me in a Despatch from Viscount Palmerston dated the 9th December 1846. His Lordship after stating that Despatches from me to the Professor, and also various communications from Mr. A. Barclay (Sept. 29th, April 30th, May 30th 1846) on the subject of the objection taken by the S.I. Govt to the Decision of H. M's Govt in the case of M. Charlton's land had been under his consideration, goes on to say that

"Her Majesty's Law Officers have been consulted upon the Legal merits of the case; and I have now to state to you that H. M's Govt is of opinion that you should protest against the Caveat which had been issued by the S.I. Authorities, against the restoration of the land to Mr. Charlton & insist upon the Caveat being withdrawn. For after the final settlement of the question and the delivery up of the land, by the Decree of the S.I. Govt the promulgation of an Instrument by the Law Advisers of that Government for the purpose of invalidating the Title to the land ought not



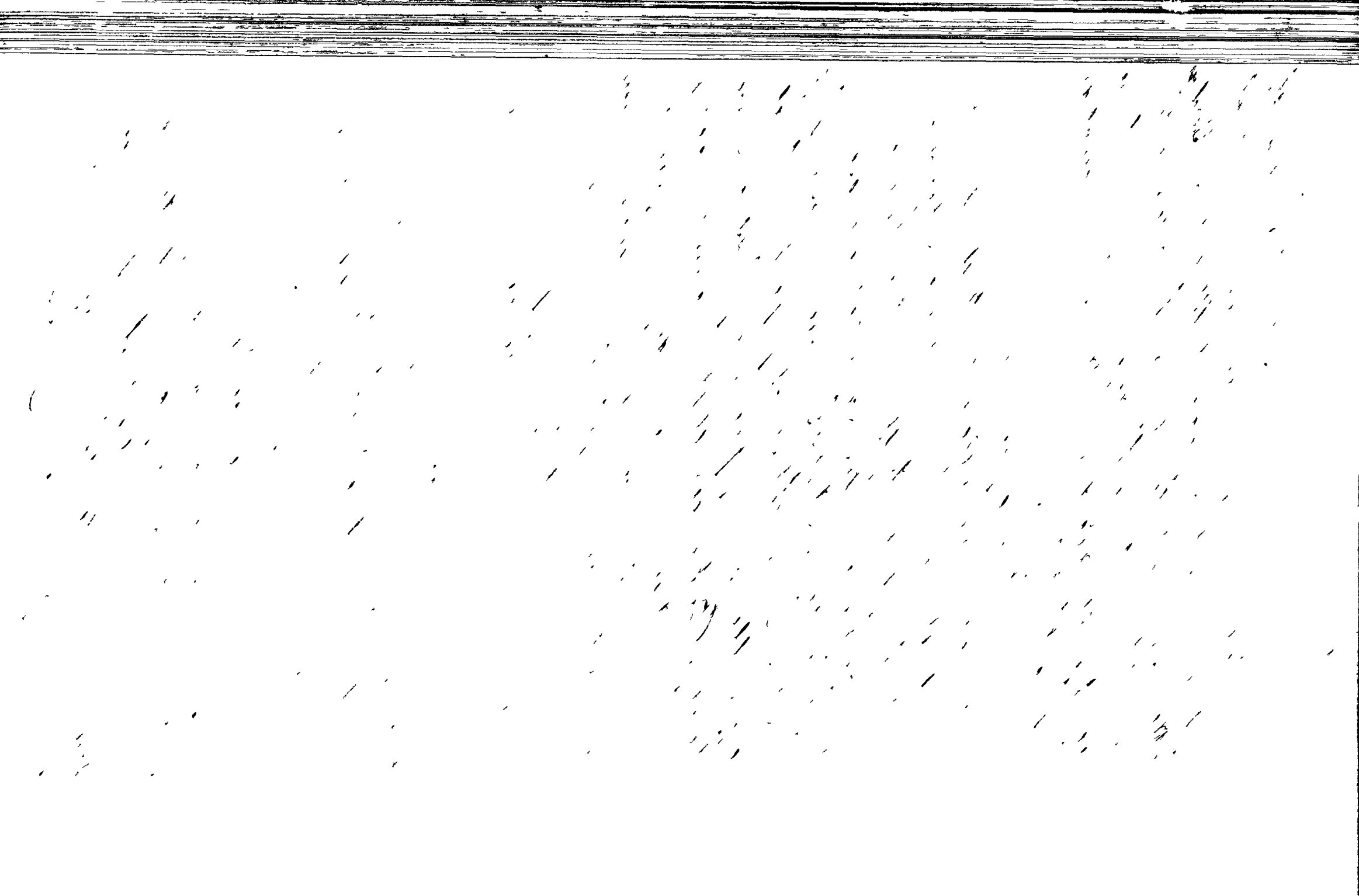
to have been made"

"I have further to state to you that the protracted Court of Investigation, as set forth in the Documents annexed to Mr Anthony Barclay's letter, appear to be only another attempt to put off, or altogether defeat, what had before been finally decided by H. Mis Govt & accepted by the S.A. Govt."

"With respect to the infringement mentioned in your Despatch No. 11 of the 2nd June 1846 (refer to Judge Andrews Decision of 22nd May 1846) by the S.A. Authorities on the occupancy of the Land delivered over to Mr. Charlton, H. Mis Govt are of opinion that the S.A. Govt might strictly speaking, be held responsible for any pecuniary loss occasioned thereby. But under all the circumstances of the case H. Mis Govt are not disposed to press this responsibility strongly against them, provided that Mr. Charlton and the other Persons deriving through him their title to any part of the property, are left henceforward in undisturbed possession"

"I have accordingly to instruct you to express the warmest hope of H. Mis Govt that the Govt. of the S.A. will by promptly doing justice in this matter put an end to a cause of difference" + + +

In a more recent Despatch from Viscount Palmerston, dated the 27th of last February, His Lordship confirms the decision conveyed to me in his Despatch of the 9th December 1846, that is, after Rear Admiral Sir George Seymour's report, including the Kings address.



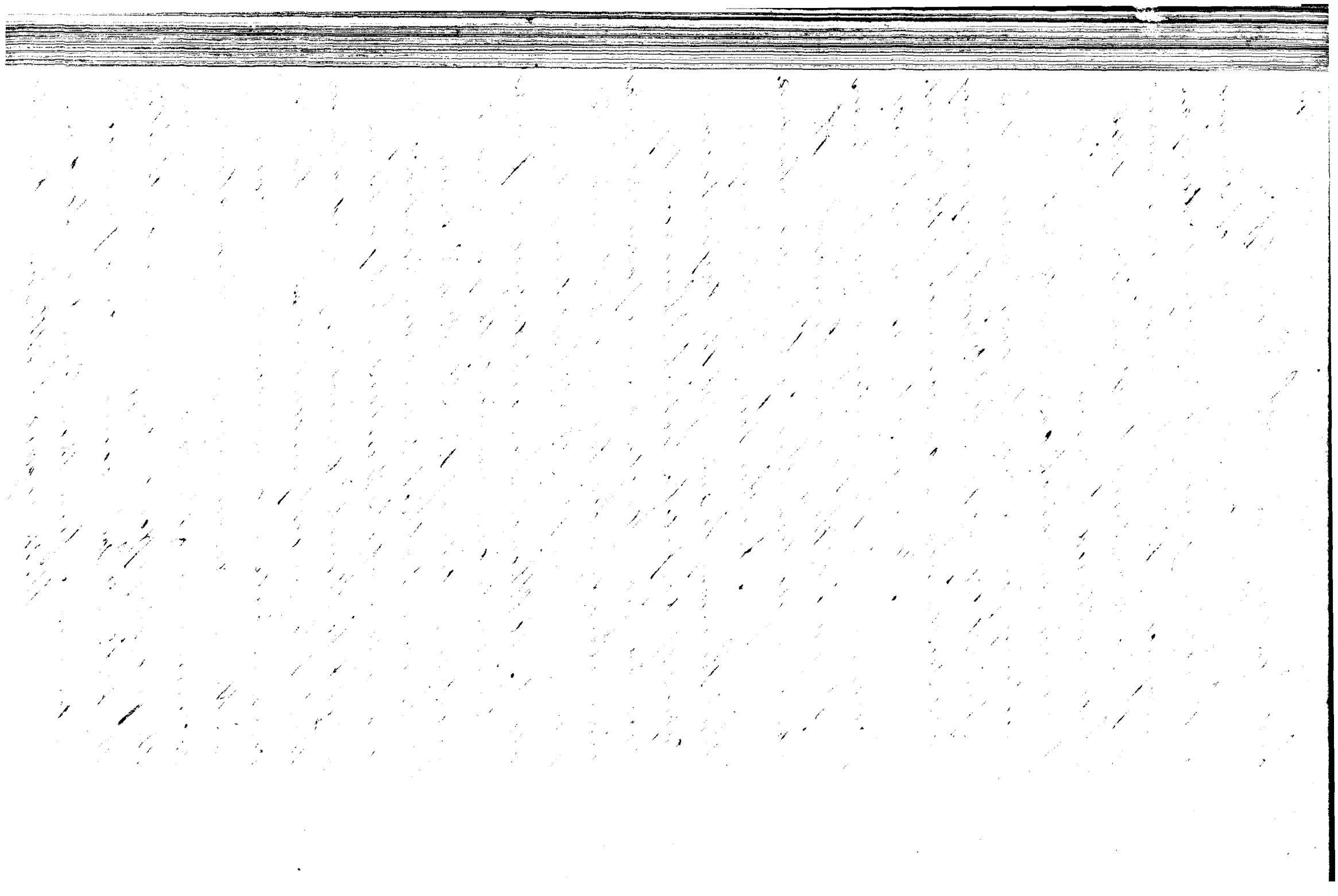
had been received at the Foreign Office

The contingent case to which I alluded at the beginning, could be entirely avoided by an assurance of this Govt that the present owner of the Land restored to Mr Charlton in 1845 shall be allowed to remain in undisturbed possession, in which case it will not be necessary for me even to revert again to the responsibility of the S. Ls Govt for pecuniary loss sustained in consequence of the Caveat.

Moreover I am desirous that all pretensions to the privilege of erecting Wharves on the part of the present Proprietor of the Land in question should be for ever abandoned.

Another thing I wish to say is that there may be amongst the Despatches and Copies of Despatches which I have recently received from England some passages, besides those already adverted to, which might be interesting for the S. Ls Govt to be informed about. Although I am not desired, or perhaps authorized to communicate the passages in question, still if the S. Ls Govt wished it I should not object to read confidentially to one or two of its Members such parts as might be thought desirable, provided however that it be perfectly understood that what I so communicate is on no account to become matter for discussion, or writing about, between me and the Government — I have made the foregoing offer or suggestion under the belief that S. Ls Govt received no correspondence by the Cyane from their Agent in London.

With regard to Mr James Russell's



claim to the Land in Nuuanu Valley. Her Majesty's Government concur in the opinion of Rear Admiral Sir Geo. Seymour, that it is one which should be heard and decided by the Local Tribunals; and I am instructed to vigilantly watch the proceedings in the Case.

I read the foregoing to the Sandwich Islands Government this morning & at the request of Mr Minister Wyllie leave this paper with him at the Foreign Office Honolulu August 11th 1847

Signed Wm Miller

Mr. Wyllie's view of the Subjection of the King's Ministers to the King

Mr. Wyllie replied that in terms of his No 10 to the Consul General, he could see, the Cabinet had to report to the King and that at present they could only receive communications, but express no opinion upon them — they being only the Kings Servants —

Mr. Wyllie requested that the Consul General should communicate the Decisions, Views, Opinions and Wishes of the British Government as fully as his instructions would permit.

Mr. Wyllie requested the Consul General to communicate the decisions, views, opinions & wishes of the British Government as fully

The Consul General withdrew at ½ past 11 a. M.

U. S. Commission, Honolulu
April 29th 1847

Sir

Mess.rs Robt Wilcox - Stephen Reynolds -
H. H. Boardman - G. G. Munn - C. Brewer & Co.
for themselves & others and Wm H. Cary &
Wm Little by their Agent, being a Majority in
interest of all the Creditors of Mess.rs Ladd & Co.,
in order to obviate any objections on the part of
the Hawaiian Government, to the final settlement
of the embarrassed affairs of said Ladd & Co., &
in order to render the properties & effects formerly
possessed & occupied by said L & Co, on these
Islands, available to all the Creditors of L & Co,
towards the payment of the debts due to such
Creditors from said L & Co., having on the 27th
instant, made three distinct Propositions to
said Govt for the purpose of effecting such
settlement, either of which would be
quite satisfactory to all of such Creditors,
and it having been intimated that the said
Govt require some further assurance that
said L & Co. will sign a general release to
said Govt & will forever Cancel & make void,
certain Contracts, commonly known as the
"Belgian Contract" and "the Contract of 1841":
& to satisfy fully the said Govt on that
point, & to remove all obstacles that may
arise from any fear the Govt may have in
regard thereto, I hereby notify you, that I
hold

This letter having not been received to be Minuted, was read by Mr Ricord last Privy Council of 30th April 1847. Folio 83 of this Volume

John Ricord Esq.r
Atty General
&c &c &c

hold in my possession, as an escrow, a full release from said Ladd & Co. and an instrument, from them, voiding said Contracts, the same prepared & submitted by you to said Creditors on the 26th inst.; which I am authorized and hereby promise to deliver up to said Govt, or its authorized Agent, on condition that said Govt accede to, & comply with the terms specified in the last named proposition, submitted to you on the 27th inst. by the above named Robt W. Wood & his associates, and which was, in effect, that the Govt should receive a full assignment, from said Ladd & Co, of all their real and personal property, leases & contracts and a discharge from said Robt W. & his associates of all liens, by way of Mortgages or otherwise held by either of them, upon any of said properties, and pay to all the Creditors of said L & Co within ten years 60 per Cent of the amt owing to them, by said L & C, on the 1st April inst with interest payable annually on said amt at the rate of five per centum per annum

I remain

Very Respectfully
Your obed't Servant
(signed) A. Ten Eyck

Memorandum
by W.r Wyllie 28th. October 1847

Be it noted that this morning Mr. Judd, pursuant to the Resolution of the Cabinet of the 7th. April last (see folio 107 this Volume) sent up to W.r Wyllie a Copy of his (Mr. Judd's) general a/c with the Treasury, beginning 6th. June 1842 and ending 1st. October 1847, in a balance of $690, 75 cents, represented as due to the Treasury on that day.

Mr. Judd desired that it should be recorded as presented to the Cabinet, through W.r Wyllie, which presentation W.r Wyllie will make as soon as he can get a Cabinet Council to assemble upon the occasion. And under date of 27th. October, with reference to that balance, W.r Judd makes the following remark.

"Mr. Judd regrets there is a "balance against him of $690. 75, which "would not have occurred had he been able to "recover his claim against Ladd & Co but W.r "Judd pledges himself to pay this balance in "Cash in the course of a very few days. He "will also pay a small balance which is "due from him to the Treasury on his house "account. W.r Judd does not approve the "principle of allowing accounts to be over= "=drawn, nor does he think that he has ever "practised it, until his recent misfortune. "He will never overdraw again"

(Signed) R. C. Wyllie

1848

Cabinet Council 4th January at the F. Office at 10 A. M.

Present The Premier
Mr. Judd
Mr. Wyllie

Consulship of Hamburg & Treaty therewith

Mr Wyllie laid before the Cabinet Mr. Swaar-=Krops letter of 1st Jany with copy of his Commission as Consul for Hamburg & of his Credentials as Plenipotentiary to form a Treaty. These were interpreted by Mr. Judd to the Premier, who proposed a Privy Council for to morrow, at 10 A. M. to take the Kings pleasure thereon.

French Consuls Complaint of disorders in the Fort.

Mr Wyllie read from the French Mr Dudoit's despatch of yesterday, complaining of disorders in the Fort, and of the impunity therein of French Sailors, which deprived them of all fear of being punished by confinement in the Fort.

Mr Judd observed that he thought the Governor was to blame, & wished that the French Consuls complaint be brought up before the King in Council tomorrow.

This was agreed to, and the Cabinet Council adjourned.

1848

Cabinet Council on the 23rd. February at the F. Office

Present Mr. Judd

" " Wyllie

Reply to M. Dillon's despatch of the 18th. February

Mr Wyllie read to Mr. Judd the draft of his reply of the 19th (No 8) and stated that he purposed to concert in a frank and amicable manner, with M. Dillon, before sending it finally in, so as to preserve unimpaired all the Kings rights, present and prospective, in the matter of M. Dillon's demand for the admission of all French Wines, at the same duty, as the fermented Liquors of England.

Mr Judd expressed some apprehension that M Dillon would take advantage of the consent in the first paragraph, & overlook altogether the conditions in the subsequent paragraphs, and wished that the concession, if made, should be made only under a peremptory demand.

Mr Wyllie stated his belief that M. Dillon was too honorable and frank to take advantage of the first paragraph, which was based upon what followed and could not be taken up, with official propriety, separately, but Mr. Wyllie agreed that the Concession should not be made, otherwise than to a demand clear and precise, & he stated that he would so conduct the correspondence.

Mr Wyllie further stated that all that he admitted officially to Consul General Miller, was that France might possibly claim for weaker Bordeaux Clarets the same privilege as that which the Consul General had asked for Ale, Porter, Beer

and

and Cider – that in his opinion the demand of M. Dillon was to a much greater extent than that of the Consul General; but in Mr Wyllie's view, the greater the demand the more it invalidated the VI.th Article, and bound France to exert herself to restore the original understanding with Great Britain, or to abrogate the old Treaty entirely and make an entirely new one.

Upon the whole, Mr. Judd approved of the Draft.

1848

Cabinet Council 26.th February 1848 at the F. Office

Present Mr. Young
" " Judd
" " Wyllie

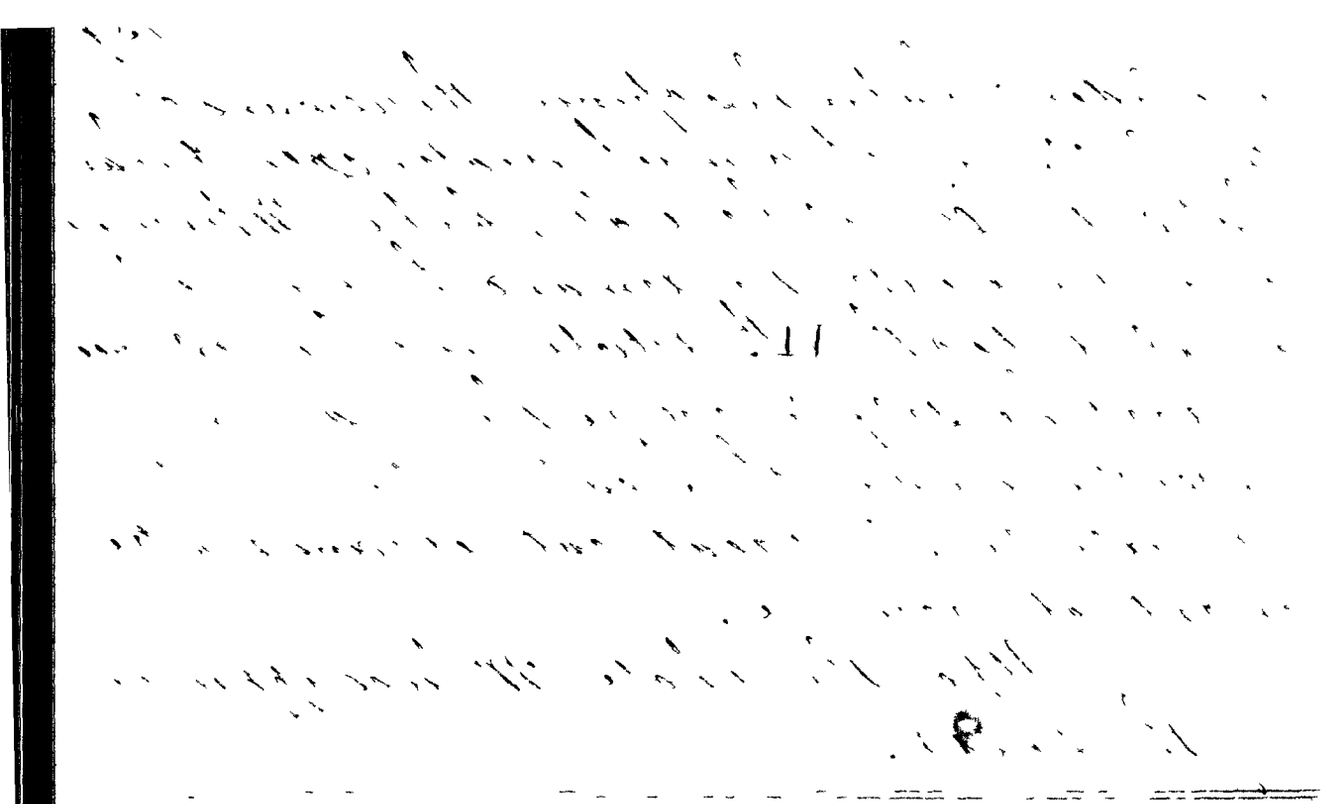
M. Dillon's demand

Mr Wyllie produced M. Dillon's Notes of the 18.th & 22.nd and two of the 25.th, with Mr Wyllie's replies Nos. 7, 8 & 9 of the 19.th & 23.rd (Nos to be dated only after the sanction of the King in Council)

Mr. Judd interpreted them all to the Premier, and a long discussion ensued.

It was finally resolved to lay the whole before the King & Council on the 28.th (Monday) with a view to His Majesty's sanction.

Mr. Wyllie suggested that Mr. Judd should draft and concert with M. Dillon, an order similar to that of the 18.th March 1847 in regard to Malt liquors & Cider, which Mr. Judd, as he has the claim on Waldo & to attend to, requested Mr. Wyllie to prepare with the addition of some regulation which Mr Judd suggested –



1848

Cabinet Council at the F. O. at 10 A. M. 15th May

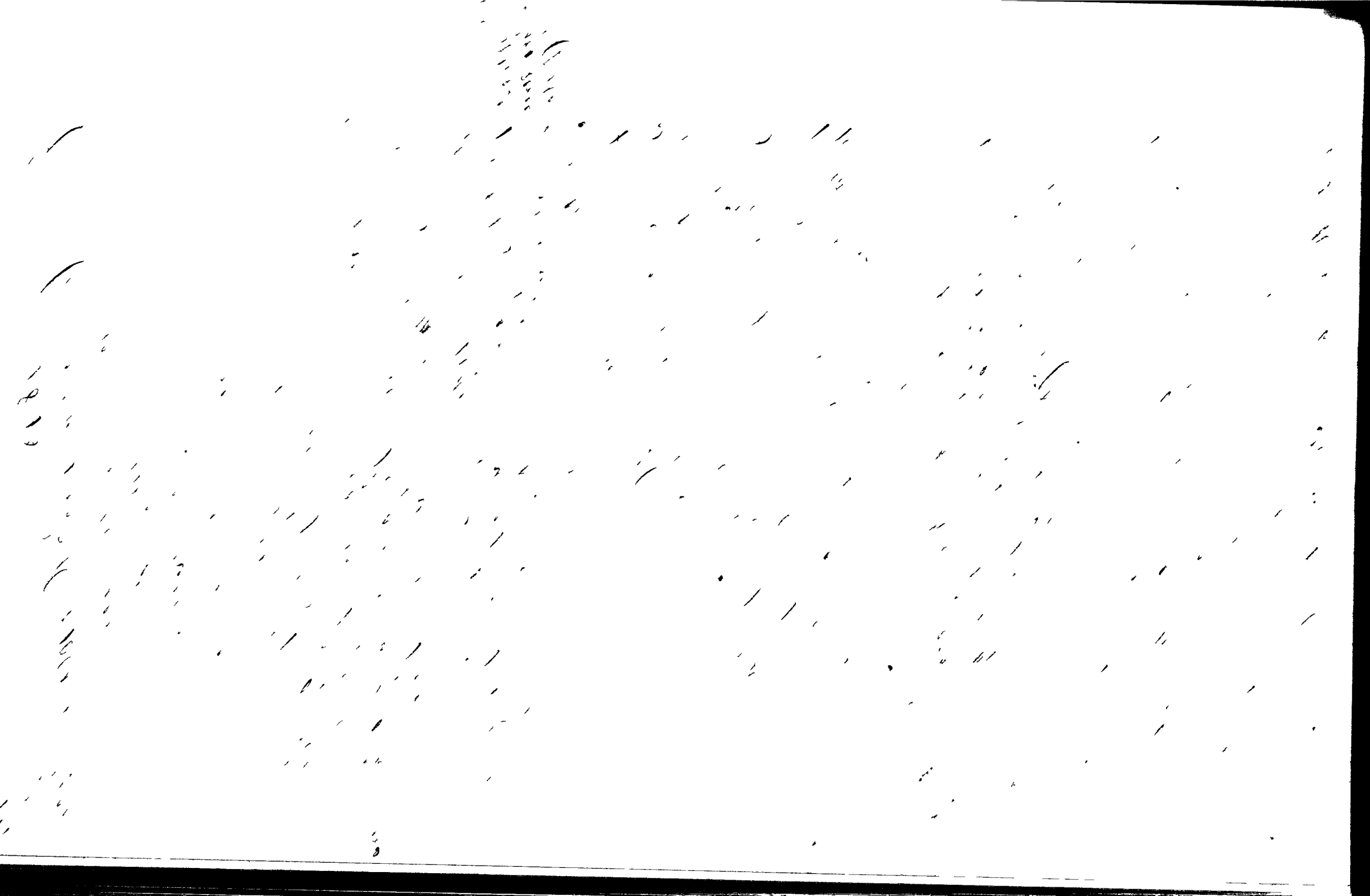
Present the Premier
" M. Gladstone
" M. Wyllie
and Mr. Lee in attendance.

In order to explain a painful question pending with M. Dillon, the Consul of France, Mr Wyllie said he had to read the whole correspondence in regard to the late exchange of Ratifications of the French Treaty. M. Wyllie read the following documents, in order, viz;—

Mr Wyllies correspondence with M. Dillon

1. M. Dillon's despatch to M. Wyllie 1st March 1848 } No. 1
2. M. Wyllie's reply " M. Dillon 2nd " —" —
3. M. Dillon's " " M. Wyllie 6th " —" —
4. " " letter to " " 2nd May —" —
5. M. Wyllie's reply to M. Dillon 2nd " —" No. 24
6. M. Dillon's note to M. Wyllie 3rd " —"
7. M. Wyllie's reply to M. Dillon 3 " —" No. 25
8. M. Dillon's Note " M. Wyllie 10th May
9. M. Wyllie's reply to M. Dillon 12th " No. 26
10. Extract from M. Wyllie's private Diary en Journal Page 275.

Mr Wyllie remarked, he had hitherto not made that correspondence known, because he did not view it as calculated to confirm the good opinion which he had been anxious to impress upon them all, individually & collectively, of M. Dillon. He would be loath to be understood as implying that he had entirely altered his opinion of M. Dillon; he had not, but he found that he was more capable of stooping to little things, of using language unworthy of a Gentleman, and more liable to be overcome by private passion than he had expected, or than he considered consistent in one who claimed to be the organ of the Kind regards of France to this Kingdom. He, Mr



Wyllie, did not feel so secure as he did before, that Mr. Dillon had the confidence in his own influence or the moral courage to deviate from his instructions even though he knew that they had been framed in utter ignorance of the state of things in this Kingdom, and to carry them into effect would injure it vitally. He might be mistaken in this opinion, but he could not otherwise understand Mr Dillon's extreme anxiety to draw out his (Mr Wyllie's) admission, or tacit consent that the King had withdrawn the objected-to certain words from his ratification of the French Treaty, not under the understanding clearly expressed in Mr Wyllie's No 11 of 2nd March, & not objected to by Mr Dillon in his two notes of the 6th of March.

Mr. Judd remarked that he saw through the whole matter at once — that the fact was, he knew what had passed yesterday, because M. Dillon & Madame had called upon him, on the afternoon, although it was Sunday, and M. Dillon had insinuated complaints of Mr Wyllie and insinuations of his having too many English Propensities for a Minister of the King, as he (Judd) thought it was very likely that M. Dillon had talked of him and his American Propensities to Mr Wyllie. Mr. Judd repeated the private assurances given by M. Dillon that he would never act, under the meaning of the French Text contended for, but that he would get new Treaties, upon all which, he (Mr. Judd) set no value whatever, so long as M. Dillon acted differently in his official letters.

Mr. Lee was quite of the same opinion, but agreed that so long as possible, without a sacrifice of an important principle, it

was desirable to keep on good terms with M. Dillon.

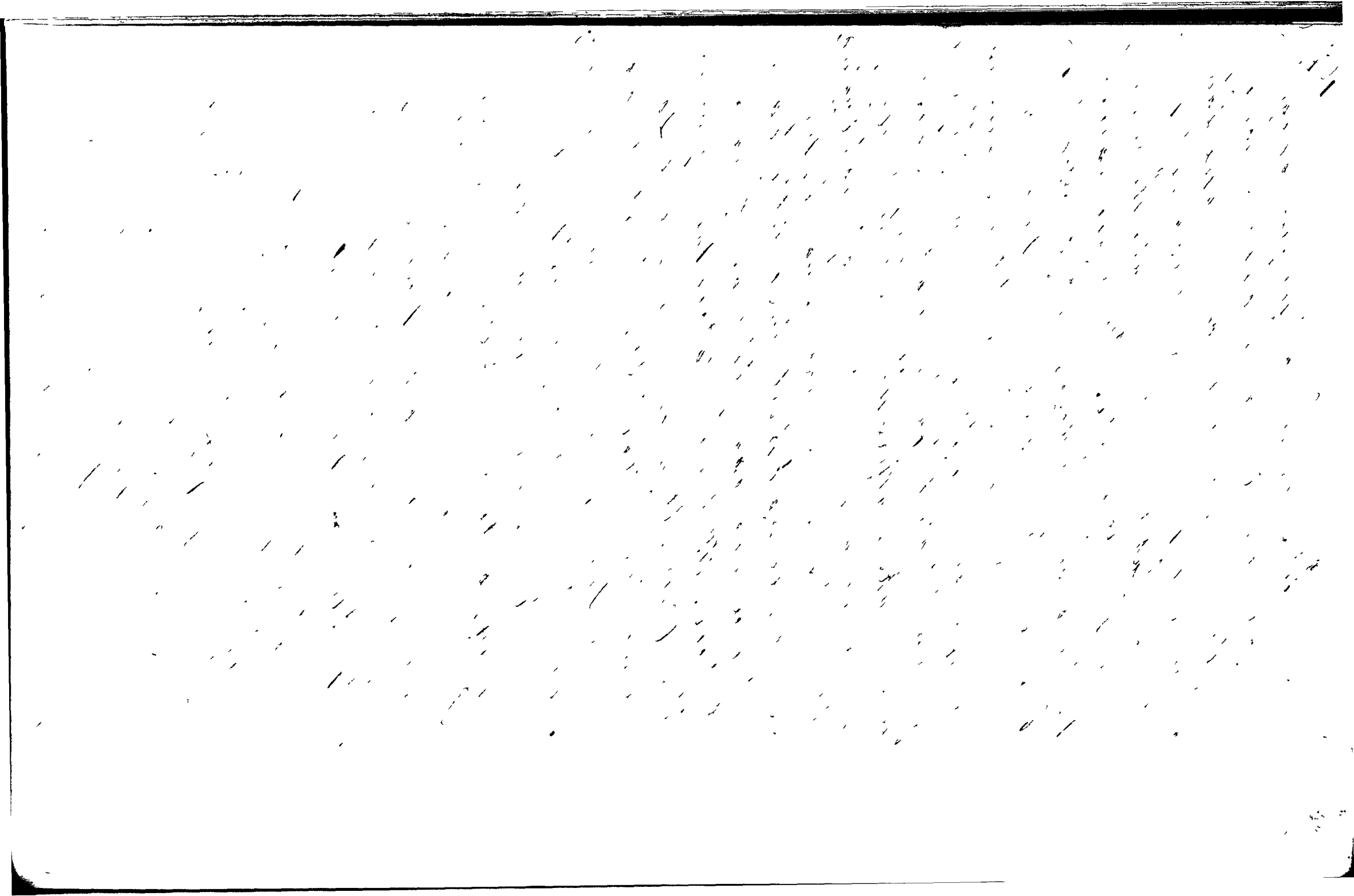
Mr Wyllie said they all knew how much that was his wish, & how much he had advised it; he had treated M. Dillon with the utmost confidence since his arrival and had taken much pains to keep on good terms with him, but he thought from constitutional restlessness, excessive self-importance & irascibility of temper, it was more than possible, that he (Mr Wyllie) might fail in his efforts.

Mr Wyllie said though, for the Kings sake, he mastered his own feelings & kept cool under the abuse & violence of M. Dillon, yesterday in his own house, yet he was not sure that he could preserve equal self-restraint, under a repetition of such attacks.

Mr Wyllie appealed to all if there was any thing in his Despatch N°. 26 to M. Dillon, that could at all justify such an outburst of passion. The despatch was merely a statement of the pure & naked truth; M. Dillon knew it well, & therefore Mr Wyllie was unable to understand the morality of his wishing that the truth should not be stated, as it had been already stated to M. Perrin Consul General Miller; to Mr Barclay & M. Dudoit and in prior letters to M. Dillon himself. Nevertheless, he (Mr. Wyllie) so far as possible, without committing the King, wished to please M. Dillon, by framing a Despatch embodying his own words; and here it was, whereon he sought the opinion of the Cabinet.

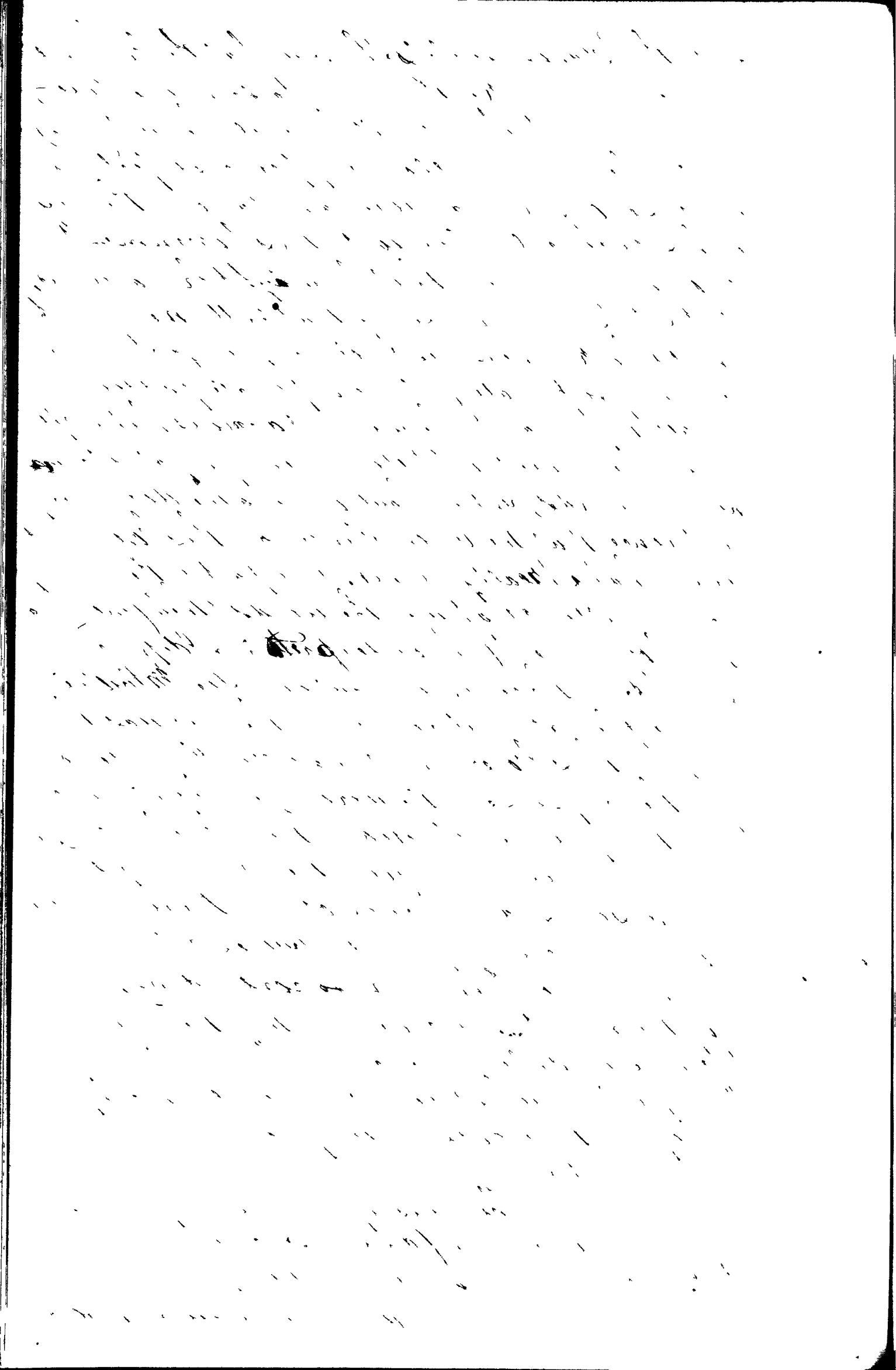
Mr Wyllie handed the draft in M. Dillon's hand writing, on which a long discussion ensued.

Mr. Judd thought the ground ought to be taken that England had never made any such demand & that after consulting the Law Advisers of the Crown, they had come to the opinion that they could not make the demand, under the 3rd. Article. Mr. Wyllie agreed that that ought to be done, but he objected to it, because he knew the views of the British Government & their reference to British Lawyers ex-officially & therefore it would not be proper for him to state the fact officially - besides it would make matters worse with Mr Dillon, who although he himself had referred to England, & that not in a very gracious way, for these Islands, was most morbidly sensible to any reference to her example, by any Hawaiian Officer. Mr. Wyllie instanced the disposition of Mr. Dillon to magnify the import of Lord Palmerston's letter, & the News about Lord George Paulet, which he entirely misunderstood. Now so far from concurring in that view, having known Lord George Paulet & his views in 1844, while he (Mr. Wyllie) was British Pro-Consul, he felt convinced that if his Lordship did come out to these Islands, if properly received, he would be the best friend of the King and the most courteous to him, and in fact the most popular Man that could come; & in that firm belief, he (Mr Wyllie) would be most happy to offer him the half of his house up the Valley, and to leave his Lordship full scope to do just as he pleased. Mr Wyllie added, he had the utmost confidence, notwithstanding Lord Palmerston's letter, that England would stoutly defend the Kings Independence, & never



seize the Islands, unless she saw that the Government were going to make them over to some other Power; and in regard to the Consul General, he (Mr Wyllie) would be sorry to allow any personal feeling or sense of personal wrong to stand in the way of his reconciliation with this Government, or of any measure that he might bring forward, Mr Wyllie's opinion being that public men, as such, should look to measures & not men, & in fact, never give way to private feeling or private passion. For all these reasons he was most anxious that a reply should be made to M. Dillon as nearly as possible in his own words, yet without opening the door to any inference that the understanding of this Government was what it really was not. One part of the wording he must alter & that was the words "they" (meaning this Government) "has interpreted in a different sense" &c — These words would involve Mr Wyllie in a diplomatic falsehood, for the fact was that he, for this Government, had stoutly contended for the very sense of the words given by M. Guizot and therefore had objected to the French Treaty, until he was driven from that view by the ill-disguised ridicule of M. Perrin & of the Consul General, upon Mr. Wyllie's alleged ignorance of French in ~~so~~ contending, and by their written declaration that the words "crime ou delit quelconque" meant only "any crime whatever". He would therefore propose the words — "they had been led to interpret &c" —

This was approved of, & after some further discussion (during which the British Consul Generals cards of invitations for a Dinner on the Queen's Birth-day were handed in) the following



letter was drafted & approved of

Foreign Office 15th May 1848

No. 27

Sir,

I am honored with your note of the 10th, in reply to my No. 25 of 3rd instant, stating that you are aware that the Treaties of the 26th March 1846, were signed in concert &c; and in regard to the understanding of this Government of the meaning of the French text of the 3rd Article of that Treaty, I cannot see that with propriety, I can add any thing to my despatches No 110 of 2nd March & No. 24 & 25 of 3rd inst.

The King's Government much regret to know that the understanding of the French Government was so different; they are, therefore, not a little taken by surprise by the contents of your Despatch above acknowledged, they had been led to interpret in a different sense the instructions given to M. Perrin and the text of which he was the bearer, and they are very far from apprehending that the great and enlightened Nation of France will seek to act under that article, in a sense which was never understood by the King, & which if followed up would paralyze the administration of justice among his Subjects. They are pleased to rely upon the justice & magnanimity of the King of the French on this additional ground, to release the King of Hawaiian Islands from a Treaty already so obnoxious to his Government.

Hoping that his confidence will meet

M. Dillon
Consul of France
&c &c &c

your approval & powerful support, I have the honor to renew the assurances of the highest consideration with which I have the honor to be,

Sir Your most obedient
humble Servant
sg^d R C T Wyllie

M^r Judd stated as his opinion that if, contrary to the understanding & the faith privately pleged, a demand should be made that the French wording should have a practical effect it would be good policy to give way to it, for the evil would be so monstrous & intolerable as to work its own cure in a few months. M^r Lee saw only the objection of the expenses of so many Jury trials —

M^r Wyllie added that after the language used by M. Dillon yesterday, in his own house, if a mere private individual, he would certainly insist upon some explana=tion before he consented to dine with M. Dillon, but, from motives of policy, for the Kings sake, he had often stifled his private feelings, & he was disposed to do so in this case. Never=theless he wished to be guided by the feeling of the Cabinet. All concurred in the view that M. Dillons own feelings, under such an outbreak, must be unpleasant & that M^r Wyllie ought [redacted] to act just as if the outbreak had not taken place.

M^r Wyllie stated that he had told M. Dillon that, if after all his private assurances, he should ever, in any case or under any circumstances, seek to apply here the French words of the 3^rd. Article, he should accuse him of a breach of private faith —

[redacted]

and further that he had told him distinctly that though he did not deceive his Government as to the utter worthlessness of the words "in debt" and the disastrous consequences that they would have on the Islands, the Hawaiian Government, would owe him absolutely nothing, because he would be only telling the truth, & to do so was a duty which he owed both to this Government and to his own, & it could not be considered as a debt.

Treaty with the U. States

M. Wyllie strongly urged the propriety of taking up, without any personal bias or prejudice, the last overtures for a Treaty made by Mr. Jen Eyck, and meeting his views in regard to lands, so as perhaps, to induce him to omit the 3rd & 6th articles, yet without depriving Citizens of the U. S. from any right or privilege claimable by Great Britain or France; and Mr Wyllie showed how Mr Jen Eyck's views could be entertained without a sacrifice either to the honor or interests of the Nation.

Mr. Judd, in the cases referred to, would prefer a lease of 50 years or even 100, the lands then to revert to the Govt upon the ground that no Govt allowed foreigners to hold land. Judge Lee said France, allowed it; and Mr Wyllie added that many other Nations did the same.

It was finally agreed that Judge Lee & Mr. Judd should receive favorably Mr. Jen Eyck, if he should call upon them, on the subject.

Appropriation of lands for Educational purposes

Mr. Judd advocated the expediency of a law similar to that in Tahiti, already recommended by the Minister of the Interior, declaring all lands

appropriated to Schools & Churches national properties inalienably applied, free of Taxation, to such establishments, be they Catholic or Protestant.

Judge Lee, objected only that it might not be agreeable to the Catholics.

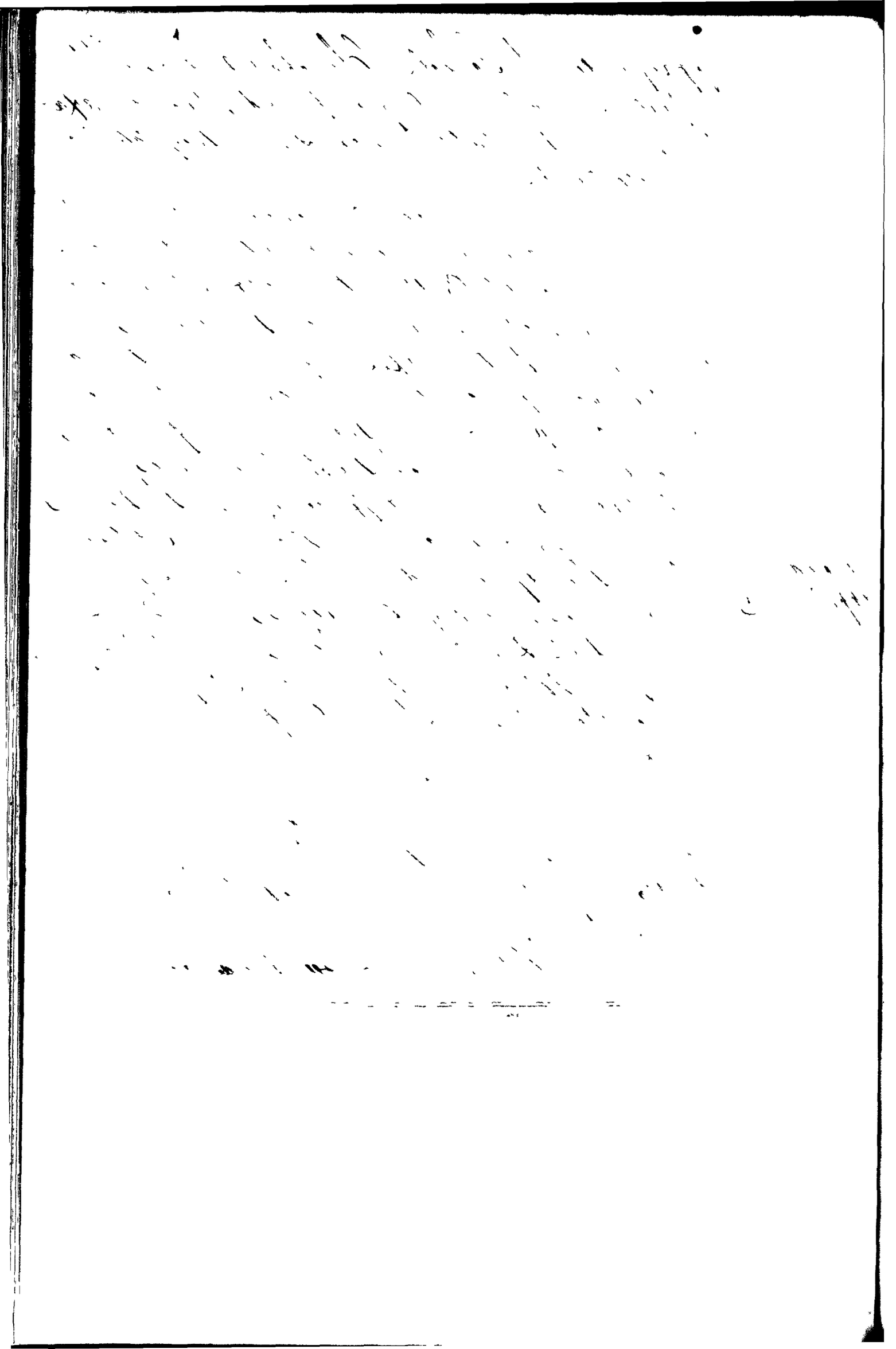
Mr. Wyllie thought otherwise & felt strongly in favor of the law, as the amount of the Taxes from which the law would exempt certain lands, would be nothing compared with the cost, if paid for, of the Education which the Missionaries of both Creeds would diffuse among the Natives

Judicial Appointments

A discussion then took place about the aptitude of Mr. Hawes, Mr. de Freynes, Judge Andrews, Mr Bates Mr. Judd's Brother-in-law, and Mr. Jasper, for the Police or the Judgeship of the Police Court which Mr Hopkins was anxious to give up.

Judge Lee expressed his opinion against the appointment of an Attorney General, in which Mr Wyllie concurred.

Otherwise no result was come to.



Cabinet Council 25th May 1848 at the F. O. at 10 a. M.

Present Mr. Judd
" Wyllie
& Judge Lee in attendance

Mr Ten Eyck's renewed obertures about a Treaty

Mr. Wyllie laid before the Cabinet Mr. Ten Eyck's Despatch No 60 in connexion with his Nos 58 & 59 with the drafts of Treaties, therein severally enclosed. He strongly contended for the expediency of holding out every proper inducement to Mr. Ten Eyck, to conclude a Treaty without the 3rd & 6th Articles, and that no personal feeling whatever towards Mr. Ten Eyck should be allowed to stand in the way of a good Treaty made through his Agency.

Mr Wyllie submitted Mr. Ten Eyck's suggestions, in his own hand-writing, of such enactments, in regard to land titles as would satisfy him, Mr Wyllie having made amendments, thereto, in pencil.

Mr Judd

Mr. Judd asked Mr. Wyllie if he were in favor of such enactments —

Mr Wyllie

Mr. Wyllie replied, upon that point Mr. Judd knew his views, for he had seen what he had submitted to Ricord on the 29th July 1846. He considered it no more than honest, that every mans title should be confirmed to him, exactly as it stood, subject to equitable proof, previous to the institution of the Land Commission, & he did not understand that Mr. Ten Eyck wished to go much farther. If he did, it would be for the Government to amend his suggestions —

Mr. Judd

Mr. Judd declared his firm assurance that the King & Chiefs would never consent to any such law or to the transfer of land to Foreigners & that he did not believe that his own influence with them could induce them (naming particularly the Governor) to pursue a different course, adding that Foreigners should pay the commutation as established by law & as paid by the Natives –

Mr Wyllie

Mr. Wyllie said he was very far from arguing for any privilege to foreigners over Natives, but Mr. Judd had just touched upon a thing, the lawfulness of which has never been clear to him. He (Mr Wyllie) had never doubted the existence of their rights, to be commuted by law, but he always had his doubts whether the guarantee at page 10 allowed fully the subsequent law of commutation. He thought Mr Lee was the proper person to consider that point and Mr Ten Eyck's suggestions.

Mr. Judd

Mr. Judd strongly expressed his opinion that not one of the 60 titles had ever been intended as such, and that there was not a single foreigner, who in his conscience did not know the fact.

Mr Wyllie

Mr Wyllie replied, after all he has heard of the King & Chiefs in P. Council & has otherwise ascertained he could not doubt that such was really the understanding & belief of the King & Chiefs, yet the law Section 3 p 100 admitted the possibility of such freehold titles, & he thought a fair opportunity should be given to all parties, preferring such

claims - that, they should be equitably considered, that if it should appear by Evidence that the parties bona-fide had believed their titles to be such - had given a valuable consideration for their lands in every way, or made costly improvements upon them in that belief, it would be honorable in the King to confirm such titles & allow such, but such only to be transferred to other foreigners approved by the Government & binding themselves to hold them under the Kings Jurisdiction, exclusively, agreeably to the law of Nations.

Mr Judd — Mr Judd, stated it would be impossible to prove such cases. Who were to be the Witnesses? All Foreigners would declare in favor of each others claims -

Mr Wyllie — Mr Wyllie said that that was no reason, why an earnest attempt should not be made - it would be for the Land Commissioners to decide upon the evidence, & were he one of the Board, in case of equitable doubt, he certainly would incline to the claim of the Foreign Claimant.

Mr Lee — Mr Lee stated, that while an Advocate for a liberal policy, in all things, he considered the present question, as the law stood, a very serious one, requiring the most mature consideration; in his view, what Mr Jen Eyck contended for, would not only violate the law, but give rights to foreign Residents, far beyond any that the Kings Native subjects enjoyed; no foreign Agent, therefore, could insist lawfully upon such privileges, & he would always oppose any arrangement, involving an admission that such concessions

in regard to land titles were to be considered as the equivalent of other concessions, in an international Treaty.

Mr. Wyllie

Mr Wyllie stated that he concurred in the justness of those views, but still his opinion was, & always had been, that every Mans title, be he foreigner or native, should be confirmed precisely as it was granted - a position the justness & equity of which, he felt assured that Judge Lee would fully admit. He was strongly of opinion that it was for the best interests of the King and of the natives, that foreigners under certain circumstances, should be allowed to hold land in <u>fee simple</u> and that both such foreigners & natives should alike be permitted to sell their lands to foreigners, with the previous approval of the Government. He felt persuaded that without this, the Islands would never prosper as they ought to do. He had been of this opinion long before Mr. Ten Eyck ever mooted one word, about a Treaty. He could not therefore, view such an enactment, precisely as a consideration, for the omission of certain obnoxious Articles, but if such an enactment would so please Mr. Ten Eyck as to dispose him to acquiesce in that omission, he did not see that it would be wise or dutiful to the King, upon the score of a mere technicality, to reject such a benefit.

Mr. Lee

It was finally agreed that Mr Lee should take Mr Ten Eyck's written suggestions with Mr. Wyllie's preamble, carefully consider the whole - prepare a draft of law to be submitted to a future Meeting. Mr Lee said he highly

approved of the course pursued by Mr Wyllie, in calling a Meeting of the Cabinet upon a question of so much importance.

Mr Wyllie

Mr Wyllie said it was the course he had ever pursued, it was the proper course under all constitutional Governments, & it was indis-pensable to prevent the danger of personal Ministerial responsibility —

1848

Cabinet Council 7th June F. O 1/2 past 9 AM.

Present Mr. Judd
" Wyllie
& Judge Lee in attendance

Further correspondence with Mr Jen Eyck about Treaty

Mr Wyllie submitted the following correspondence with Mr. Jen Eyck, viz;—

Mr Wyllie's No. 6 of 26th May to Mr. Jen Eyck
Mr Jen Eyck's Despatch No. 61 of 29th May 1848
Mr Jen Eyck's " " 62 " 2nd June "
Mr Wyllie's " " 7 " 7th June "

" Wyllie's	"	G — 31 May 1847 with enclosure
Mr Jen Eyck's		No. 7 of 7th June 1847
" Wyllie's		H " 8th " "
" Jen Eyck's		No. 8 " 12th " "
Mr Wyllie's Notes of February 1847		
" "		No 34 of 17th July 1847

Mr Judd

What Mr. Jen Eyck says in his No. 62 about his instructions, having particularly attracted the attention of Mr. Judd, he stated that having carefully thought over the matter, he had come to the opinion that the U. S would never yield the points of the 3rd & 6th Articles, without some

equivalent, She wished Mr. Wyllie and Mr. Lee to state what equivalent they thought could be offered.

Mr. Wyllie

Mr. Wyllie stated that as for him, his views respecting the titles of Alien Residents, as they might prove them, before the Courts, were well known; they had been avowed in writing to Mr. Ricord, in 1846, when the principles of the land Commission were under consideration, and they did not differ materially from Mr. Ten Eyck's. Therefore, it was his view, that even without the consideration of the omission of the above clauses, it would be good policy in the Government to frame some law providing accordingly. It was with that view that at the Cabinet Council of the 25th Inst. he had requested Mr Lee to prepare & submit the draft of such a law in view of Mr. Ten Eyck's written suggestions & Mr. Wyllie's Preamble.

Mr. Lee

Mr. Lee considered that the great difficulty was the precedent that it would establish, & the superior right it would give to Foreigners over Natives.

Mr. Judd

Mr. Judd expressed his opinion that notwithstanding these objections, it would be expedient to enact that foreigners holding land, possessed for a certain period should be allowed to commute their imperfect titles into allodial, on payment of the same sum as required from Natives, & to transfer those lands, so commuted, to other Foreigners upon condition of the insertion of a clause in the Treaty, whereby such foreigners would forfeit their titles, if, in matters concerning those

Lands, they cou appealed to their own Government. He felt confident that all the Chiefs would unanimously approve of such titles being granted.

M.r Lee — M.r Lee objected to any proviso in Treaties affecting the settlement of titles to land, upon the ground of principle

M.r Wyllie — M.r Wyllie participated in that objection, the more so that he had taken that ground, officially, with the authority of Government, in previous despatches. He thought that the point might be arranged with M.r Ten Eyck, in some less objectionable way.

M.r Judd — M.r Judd, said that by having a Treaty stipulation upon that subject with the U.S., it would bar England from giving trouble about British Subjects -

M.r Wyllie — M.r Wyllie Stated his belief that the British Government could never pretend to any right to settle claims or titles to land in this Kingdom, or interfere further than as regards unequal & partial applications of the Law, or the enactment of laws having a retrospective effect. And he explained what Consul General Miller had said to him, during his official call, on the 3.rd, upon that Subject, & the total misconceptions of the Laws under which he laboured. He proposed to suspend the transmission of his despatch No. 7 to M.r Ten Eyck, till the whole subject could be reconsidered, & that meanwhile, he should write a private note to M.r Ten Eyck, to that effect.

This was approved of.

M.r Judd — M.r Judd having asked for a copy of

of the British & French Treaties, engaged to prepare the draft of provisions in regard to such land titles, to be submitted to a future Meeting.

Notice of a Privy Council

Mr. Judd gave Mr Wyllie notice of a Privy Council to be held at the Palace at 4 P.M., to swear in Mr. Armstrong.

Mr Wyllie said, of all hours, it was the most inconvenient for him —

1848

Cabinet Council 11th August 1848 at 10 minutes before 10 A.M.

Present Premier
" Mr. Judd
" " Armstrong
" " Wyllie

Proposal to appoint Mr Goodale, as a Clerk to Mr Armstrong & Mr Cook @ $800 a year

Mr Armstrong stated that both he and Mr Cooke required some assistance. Recommends Mr Goodale & that he should be engaged for 4 or 5 Years, at $800 a year.

Agreed that the appointment be recommended by the Cabinet to the King in Council, but that it should be understood that the duration of Mr. Goodale's appointment would depend upon his good conduct.

Mr. Armstrong explained the matter to Mr Young.

Mr Steel's application for an advance of $200 —

Mr. Armstrong read an extract from a letter from Mr. Steel dated 28th July requesting that the Government should advance him $200 due to him, for teaching Native & Half-Caste Children, he ceding his right on the Parents. This was objected to on the ground of precedent, but an increase of Salary was recommended.

Land for a Catholic Church at Hilo

Mr Armstrong represented that the land allotted for a Catholic Church at Hilo contained upwards of 3 acres instead of 2 acres, which was all that had

been granted.

Agreed that it be brought up before the P. Council. Mr Wyllie recommended that the whole land should be given as it would gratify the Catholics, and show them that the Government wished to deal justly with them & not take advantage of the late change in France.

Lot for a School house for Foreigners

Mr Armstrong brought forward the subject of a lot for a School house for foreign Children.

Mr Judd preferred that the Government should build on the lot, a House, not to cost more than $1000, provided the foreigners should support the School & pay rent.

Mr Wyllie thought if the lot were granted to Foreigners, they ought to build it, and support the School. Mr Young was of this opinion.

Agreed that this should be recommended to the King in Council.

Mr Wyllie and an Hospital for Natives

Mr Wyllie suggested the advantage that would result from having an Hospital here for Natives, & mentioned that Dr Hunter had expressed himself willing to undertake the duties gratis

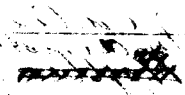
Waste lands for Schools

Mr Armstrong suggested that it would be desirable to attach to the Schools some of the waste lands adjacent to each, & stated his belief that in process of time, the proceeds would go far to support the Schools.

Mr Judd approved of the principle, but foresaw difficulties in the details. For instance, the Proprietors of those lands lying waste refuse to give them. They could not be forced to do so, and it would be impolitic to do any thing without their free consent. It was agreed that the Cabinet should bring the subject, regularly, before the King in Council.

Mr Wyllie relating to Mr Bates

Mr Wyllie stated that it was necessary to take into consideration the position of Mr. Bates, who with his large family had left his home in the belief of being employed on the



Islands. He (Mr Wyllie) considered him justified in entertaining that belief, for he remembered well long ago discussing with Mr Judd, the expediency of writing to him, under circumstances when Mr Ricord spoke of resigning; Mr Wyllie knew that a letter had been written to Mr Bates upon the subject, for he himself had forwarded it with his despatches to Messrs Mott Talbot & Co.

Mr Judd said he had written, but only suggesting that he should come out as a private Lawyer & had sent him $1000 to pay his passage.

Mr Wyllie stated that of course he could not know what was written, but his opinion was that Mr Bates, who had made a favourable impression should not have reason to complain of any disappointment, and Mr Judd wouts remember that on the occasion of the appointment of Mr Lee, who had given so much satisfaction, his (Mr Wyllie's) only objection was that it might appear to Mr Bates unfair, if he should arrive and find the appointment, that he had been led to expect, already filled up. There was nothing that Mr Wyllie so much deprecated as to engender hopes, and then disappoint the parties.

Mr Judd said there could be no disappointment from any thing he had written.

Mr Wyllie suggested that as a preliminary measure, it would be only courteous to Mr Bates to congratulate him, on his arrival, by letter, & inquire whether it would suit his views to be retained professionally for the Government.

After some discussion this was unanimously approved of & Mr Wyllie was

requested to write to Mr Bates on behalf of the Cabinet.

M. Dillon's despatches of 27th July & 9th Augt.

Mr Wyllie stated that he had another matter to which he requested the attention of the Cabinet, & that was the necessity of an early Privy Council to lay before the King M. Dillon's despatches of the 27th July & 8th August. Mr Wyllie read those despatches and his replies Nos 30 & 31 of 28th July and 9th August, upon which he commented. It appeared to Mr Wyllie that as the King had only arrived at Kronigk, on the 7th, it was intemperate & disrespectful in M. Dillon to use the language made use of in his despatch of the very next day after the Kings arrival; but he, Mr Wyllie, overlooked such things; it was not his system that because M. Dillon treated him with disrespect, he should treat him with the same; on the contrary it was his wish, & he had so mentioned to the King last night, that even though it should put His Majesty to some inconvenience it was desirable to convoke a Privy Council, upon the subject of M. Dillon's communications as early as possible.

Mr Judd acquiesced in this view, and thought that as the King wished to leave Toon for the Valley to morrow, it would be desirable to have a P. Council, this day.

Mr Wyllie remarked that would suit above all things, the P Council might be a special one — his only delicacy was not to appear as unduly importuning the King with business so soon after his arrival. On that account, he had abstained from bringing many other important subjects, connected with the Foreign Relations of the Kingdom, before His Majesty, such as Mr Barclay's Note about the case of James Maclean, Consul General

Livingstons consultation about Seal, Uniform &c,
Mr Claridges ditto ditto, and about sick
Hawaiian Subjects &c &c &c

Mr Judd agreed to see about the con-
-vening of a P. Council, and Mr. Wyllie drafted
a Resolution to be submitted by the Cabinet
to the King in Council.

Mr Wyllie's & Paty's letter about a Board of Commissioner's of Customs

Mr Wyllie then laid on the Table
a letter addressed to him by Mr Paty, on the
constitution of the Board of Commissioners
of Customs, stating that it belonged to
Mr Judd's Department to bring it forward
& carry it through all its stages. He (Mr
Wyllie) had so stated to Mr. Paty, & that he
considered it not only uncourteous to Mr.
Judd, but a bad precedent for the head of one
Department to bring forward measures
belonging to the head of another, & he had only
consented to receive the letter, under the
assurance of Mr Paty that it was Mr. Judd's
own wish that the letter should be addressed
to him.

Mr. Judd said he had so requested,
because, he might be absent, at the time.

Mr Wyllie replied that was all
very well, but now that Mr. Judd was present
it was for him to move in the matter.

A discussion ensued upon the
question whether Mr. Judd & Mr. Wyllie should
be Members of the Board, and especially
whether under the likelihood that cases
decided upon by the Board of Commissioners
would become afterwards subjects of
Diplomatic discussion, it would be proper
for Mr Wyllie to be a Member of that Board.

Mr Wyllie stated that in his
unwillingness to think that any decision of
the Board would be questioned diplomatically
he had consented to be a Member of the Board,
but now reflecting on the notices he had
received that certain parties were preparing

to get the Government into difficulty upon Custom-House matters, he thought it expedient to withdraw his consent till he had given the matter more consideration, and perhaps taken legal opinion upon the subject.

Meanwhile Mr. Judd engaged to speak to Mr Paty, on the subject and urge him to suggest other Members for the Board.

1848

Cabinet Council 15th August

Present Mr. Judd
" Armstrong
" Wyllie
" Judge Lee, requested to attend

Mr Wyllie, gave a brief account of what had passed, at the Cabinet Council of the 11th, and read his letter of the same date to Mr. Bates, and Mr. Bates reply of the 12th Copies of which are subjoined.*

Mr Wyllie mentioned the circumstances under which Mr Bates & his family had arrived, & his strong sense that he should be treated not only courteously, but kindly & liberally. All concurred in that sentiment.

Mr Wyllie asked Mr Judd if he had any idea of the Salary, or Fee, that would satisfy Mr Bates. Mr Judd replied, he thought about $2000, with liberty to take private practice. After some discussion it was agreed to recommend to the King in Council a retaining Fee of $1500 a year, with liberty to take private practice, but not against the Government, and an understanding that if, at the end of the year, his income should not amount to $3000, the difference should be made up to him. This was approved of

* The following are the letters above referred to

Foreign Office 11th August 1848

Sir,

At a Meeting of the King's Cabinet, held this day, it was unanimously resolved that

I should, on their behalf, address you a letter con=
=gratulating you on your safe arrival, with your
family, in this Kingdom.

From the favourable impression which
you have already made as a Professional Man,
in this Community, I have further most respect=
=fully to inquire if it would meet your views
to be retained as the Attorney of this Government,
in what legal questions may arise.

On receiving your answer I shall
lay it before the Cabinet as a preliminary to
the submission of some definite proposal,
previously to be concerted with you, to the
Privy Council.

I avail myself of this first
opportunity to assure you of my very sincere
personal respect, & I have the honor to be

Sir

Your most obedient
humble Servant
Sg? R. C. Wyllie

Asher B. B. Bates Esq

Honolulu 12th August 1848

Sir,

Your note of yesterday has been
rec? & be assured I would gratefully acknowledge
the interest in myself & family manifested in the
Resolution adopted in the Kings Cabinet, as commu=
=nicated by you. You will please my acknowledg=
=ments known to that Honorable Body and say in
my behalf, that, though personally almost a
stranger & from a distant land, I have some knowledge
of their acts & came to the Islands to become a
subject under their counsels with full confidence
that neither my family or myself would ever
regret my decision to change my allegiance.

Feeling my inability to properly
discharge the professional services that might
be required, should I be retained as the Attorney
of this (the Hawaiian) Government in what
legal questions may arise, I appreciate the

compliment involved in the inquiry whether it would meet my views to be so retained I would say in reply, if I can in any way serve the Government without prejudice to the other Members of the Bar, I shall be happy to do so upon terms that will probably be acceptable to the Privy Council.

Reciprocating the personal respect you have expressed, I am

Respectfully
Your Obd.t Serv.t
Sig.d Asher B. Bates

His Excellency
R. C. Wyllie
His Majesty's Minister of
Foreign Relations

1848

Cabinet Council 24th August
F. Office at 9 A. M.

Present Premier
" Armstrong
" Wyllie
" Judd

General Instructions to the Kings Foreign Diplomatic Agents

Mr Wyllie stated that His Majesty's Charge at Lima, and H. M's Consul General at New York, had repeatedly asked for Copies of the Instructions, which were to guide them in the discharge of their official functions, and about the Seal and Button which they could use, with the authority of the King. Upon the subject of these details he wished for the opinion of the Cabinet, previous to laying his suggestions before the King in Council to-morrow. The thing of most importance, was the General Instructions, the draft of which he would now read.

Mr. Wyllie then read the following Articles, viz; —

Article 1 not objected to
" 2 ditto
" 3 ditto
" 4 Mr Judd recommended that the Fee for certificate of Invoices should be 5 dollars in place of 3 which Mr Wyllie attered accordingly
" 5 not objected to
" 6 ditto
" 7 ditto
" 8 ditto

Chief Justice Lee, now came in, being requested by Mr Wyllie to give his opinion upon all questions of international law.

Article 9 not objected to
" 10 " ditto "
" 11 " " "
" 12 " " "
" 13 Objected to by Mr. Judd and Mr Armstrong, on the ground that such Hawaiian subjects would return vitiated, again emigrate or otherwise give trouble.

Article 14 not objected to
" 15 " " "
" 16 " " "
" 17 " " "
" 18 " " "
" 19 " " "
" 20 altered on the suggestion of Mr Judd
" 21 not objected to
" 22 ditto
" 23 ditto
" 24 ditto
" 25 ditto
" 26 ditto

Having read these, Mr. Wyllie invited the Members present to make their remarks, so as that they might be brought forward tomorrow with the sanction of the Cabinet.

Mr. Judd. Mr. Judd thought they ought to be

translated into Native, and the Native version, printed along with the English.

Mr Armstrong — Mr Armstrong was of the same opinion.

Mr Wyllie — Mr. Wyllie said that was what he had intended & with that view a blank page throughout was left for the Native, but as Vessels were soon to sail, he was anxious to have the instructions carefully interpreted to His Majesty, so that they might be sanctioned, after which, as sanctioned, they could be printed

Chief Justice Lee — Mr. Wyllie inquired of Chief Justice Lee, if he found any thing wrong in point of law or morals in them, or if they were not such as in all respects would do credit to the King and His Government. Mr Lee said, upon these points, he had no fault to find with them.

Seals & Button — Mr. Wyllie, considering them as thus approved by the Cabinet, next submitted his designs, of three official Seals — one for Charges — one for Consuls General, and one for Consuls, Deputy Consuls, Vice-Consuls & Consular Agents — also his design for an official Button.

Mr. Judd. — Mr. Judd suggested that the words around the circumference should be Hawaiian.

It was agreed that Mr. Judd should give these Words, the names of places in Hawaiian & give a design for the National Cockade.

Uniform — Mr Wyllie next laid before the Cabinet his idea of the proper Uniform for Charges, Consuls General, and inferior grades, which was approved of.

Mr Wyllie then suggested that the time was come, when the following Uniforms should be settled, viz —

Uniform for the King

" " H. M's Ministers

rals

ation

Uniform for the Governors of Islands.
" " " Collector General of Customs
" " " Ordinary Collectors
" " " Marshall Hawaiian Islands
" " " Prefect of Police
" " " Captain of the Port
" " " " " " " Port
" " " H. M's Physician
Dress of the Judges &c &c &c

Mr. Judd

Mr Judd said it would please him to have all those things brought up to-morrow, as they ought to have been settled long ago.

Mr. Wyllie

Mr Wyllie did not see that they could be tastefully & correctly settled unless by authorizing some first rate Army Clothier, to furnish designs for the respective embroideries - Epaulets, Hats, Swords & Sword belts &c &c &c. As for the Ministerial Uniforms, he was ready to order one, with the sanction of the King, from Messrs Stutz & Co of Clifford Street, Bond Street, who had his (Mr Wyllie's) measure, and they could send out cuffs, collars, Clothes, Swords, Hats &c for all the rest.

Mr Wyllie said he had several other points to mention, connected with the Foreign Relations, but as Mr Lee & Mr Judd had much to do, the Cabinet broke up.

Cabinet Consultation 28th August
Present Mr. Armstrong
" Mr. Judd
& Mr. Wyllie

S. I. News & Lands in Manoa Valley

The Rev. Mr. Armstrong read a Statement which he had prepared setting forth the facts of the case referring to several documents illustrative thereof.

It was agreed that Mr. Judd should take them & revise them, & return them to Mr. Wyllie

Mr. Wyllie said he would then prepare a Statement to be laid before Mr. Judd & Mr. Armstrong on Thursday, so as to make sure that nothing but the truth should be asserted in the Polynesian.

Up to this period, I have taken and caused to be entered the Minutes, in English

R. C. Wyllie

The Records from this date to a meeting held March 20, 1850 (see Vol 1) do not appear to have been entered — Some of the original minutes will be found in the files —